

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, October 5, 2011 @ 6:00 p.m.

AGENDA

- I. CALL TO ORDER & ROLL CALL - 5:30 p.m.
- II. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
 - 1. Public Employee Performance Evaluation (Classified) Chief Administrative Officer (G.C.§54957)
- III. PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION
- IV. CLOSED SESSION - 5:30 p.m.
- V. OPEN SESSION - CALL TO ORDER - 6:00 p.m.
- VI. FLAG SALUTE
- VII. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION Info/Action
- VIII. ADOPTION OF AGENDA Action
- IX. 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 1113 - District and School Web Sites

(BP/AR revised)

Updated policy (1) includes new section on "Design Standards" addressing accessibility of web sites to individuals with disabilities per U.S. Department of Justice technical assistance publication, (2) relates policy regarding advertising in school publications (BP 1325 - Advertising and Promotion) to advertising on district and school web sites, and (3) clarifies options related to posting of individual student photographs. Updated regulation deletes legal requirement to make school accountability report cards available on the Internet which repeated material in 0510 - School Accountability Report Cards. Regulation also contains material formerly in BP re: copyrighted material and external links, and adds new material re: individual teacher or classroom pages, editorial review of content, and staff development.

BP/AR 1114 - District-Sponsored Social Media

(BP/AR added)

New policy and regulation address the use of official district-sponsored social media platforms (e.g., Facebook, Twitter, YouTube, LinkedIn, blogs) as tools for communication and collaboration. Policy and regulation also address the open accessibility of social media and the circumstances under which the district may be able to remove posts that are not related to the stated purpose of the site or that are obscene, libelous, or incite students to commit unlawful acts.

BP 2210 - Administrative Discretion Regarding Board Policy

(BP revised)

Policy updated to reflect NEW LAW (SB 70, 2011) which extends the flexibility to use funds received for 39 "Tier 3" categorical programs for any educational purpose through the 2014-15 fiscal year. Date in text deleted to avoid the need for additional revision if flexibility is extended in the future.

BP 3100 - Budget

(BP revised)

Updated policy expands section on "Fund Balance" to include sample policy statements, in compliance with Governmental Accounting Standards Board Statement 54, related to (1) how funds will be committed by the board to the "committed fund balance," (2) delegation of the authority to assign funds to the "assigned fund balance," (3) the order in which fund balances will be spent when multiple fund balance types are available for an expenditure, and (4) the minimum level of unrestricted fund balances that will be maintained in the general fund. Policy also reflects NEW LAW (SB 70) which extends the timeline for restoring the level of reserves to the level specified in state regulations and NEW LAW (AB 114) which requires districts, for the 2011-12 fiscal year, to base their budget on the same level of state revenues received in the 2010-11 fiscal year.

BP 3280 - Sale or Lease of District-Owned Real Property

(BP revised)

Policy updated to reflect NEW LAW (SB 70, 2011) which extends, until January 1, 2014, the authorization to use the proceeds from the sale of surplus real property, along with the proceeds from any personal property located on such surplus real property, for any one-time general fund purpose. Date in text deleted to eliminate the need for additional revision if flexibility is extended in the future.

BP 3290 - Gifts, Grants, and Bequests

(BP revised)

Revised policy includes optional language requiring annual report to the board of gifts, grants, and bequests received by the district and the expenditure of any monetary gifts. Policy also includes (1) new section on "Appreciation" which lists authorized forms of appreciation for donations to the district, and (2) new section on "Corporate Sponsorship" which authorizes the board to allow outside entities to advertise or promote their products and services within district facilities in exchange for funds, products, and services provided by such entities.

BP 4033 - Lactation Accommodation

(BP added)

New policy reflects state law and NEW FEDERAL LAW (P.L. 111-148) requiring employers to provide reasonable break time and an appropriate place for employees who are nursing mothers to express breast milk for their infant children, including requirements related to the designated location and the limited circumstances under which accommodation can be denied.

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

AR 4112.2 - Certification

(AR revised)

Updated regulation reflects **NEW TITLE 5 REGULATIONS** (Register 2010, No. 43) which (1) provide that the Short-Term Staff Permit (STSP) and Provisional Internship Permit (PIP) now include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed instruction in English (SDAIE); (2) allow the district to request that the holder of a STSP or PIP be granted a bilingual authorization to provide instruction in primary language development or content instruction delivered in the primary language; and (3) replace the Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit with an Emergency Bilingual Authorization Permit. Regulation also revises section on "Verification of Credentials" to reflect use of the Commission on Teacher Credentialing's (CTC) online system to verify credentials, and revises the section on "Basic Skills Proficiency" to clarify that there are multiple ways that teachers can fulfill the requirement to demonstrate basic skills proficiency beyond the California Basic Educational Skills Test.

AR 4112.22 - Staff Teaching English Language Learners

(AR retitled and revised)

Retitled regulation adds definitions of "English learner" and "primary language instruction." Regulation also reflects **NEW TITLE 5 REGULATIONS** (Register 2010, No. 43) which authorize holders of the STSP or PIP to provide ELD and SDAIE services or, upon approval by the CTC for qualified individuals, to provide primary language instruction. Material re: Certificate of Completion of Staff Development revised to reflect sunset of law which formerly allowed multiple subject, single subject, and education specialist holders to qualify to provide SDAIE by completing a CTC-approved staff development program and to clarify that this option is now available only to holders of the designated subjects teaching credential or service credential with a special class authorization. New paragraph added to reflect requirements related to employment of teachers from a foreign country who hold a sojourn credential.

BP 5030 - Student Wellness

(BP revised)

MANDATED policy updated to reflect **NEW FEDERAL LAW** (P.L. 111-296) which moved and revised legal requirements related to student wellness policies. Law now requires (1) involvement of specified stakeholders in policy implementation and review; (2) establishment of goals for nutrition promotion as well as nutrition education; and (3) periodic assessment of the implementation of the wellness policy, including comparison of the district's policy with model wellness policies provided by the U.S. Department of Agriculture. Policy also adds optional language re: programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and joint use agreements to expand use of district and/or community facilities for recreation or sports activities. Section on "Nutritional Guidelines for Foods Available at School" adds consideration of students with special dietary needs and encourages schools' participation in after-school snack programs and summer meal programs.

BP/AR 5142.1 - Identification and Reporting of Missing Children

(BP deleted, AR revised)

Unnecessary policy deleted and legal requirements re: fingerprinting program moved to AR. Regulation revised to more directly reflect law re: posting the Department of Justice (DOJ) poster on missing children and reviewing the DOJ's quarterly missing person bulletin. Regulation also adds new material related to the "Amber Alert" system and to actions to be taken in the event an employee recognizes a child who has been reported as missing or witnesses an abduction.

BP/E 5145.11 - Questioning and Apprehension by Law Enforcement

(BP revised, E deleted)

Policy updated to reflect **NEW COURT DECISION** (Camreta v. Greene) which vacated the Ninth Circuit Court of Appeal's decision that required law enforcement to have parental consent, warrant, or other court order to interview a student in school absent exigent circumstances. Exhibit containing sample form for recording the source of law enforcement's authority for the interview is no longer necessary.

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

BP/AR 5148 - Child Care and Development

(BP/AR revised)

MANDATED policy revised to delete reference to school-age community child care services (repealed), add language addressing facilities for child care and development services, deletes options related to ages of children served (now addressed in AR) and hours of operation, and revise material on program evaluation to more directly reflect state requirements. **MANDATED** regulation updated to reflect **NEW LAW** (AB 2084, 2010) which establishes beverage standards for licensed child care centers effective January 1, 2012. Section on "Enrollment" (1) reflects **NEW LAW** (SB 70, 2011) which changes the income threshold for subsidized services, (2) reflects **NEW LAW** (AB 114, 2011) which restores the pre-SB 70 age limit for eligibility for subsidized services, (3) adds legal requirements pertaining to subsidized services for children ages 11-12, and (4) explains that, since the "centralized eligibility list" is not currently funded by the state, it is only available if a county chooses to provide this service at its own expense.

BP 6111 - School Calendar

(BP revised)

Updated policy reflects **NEW LAW** (SB 70, 2011) which extends, until the end of the 2014-15 school year, authorization for districts to reduce the length of the school year without incurring financial penalties.

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|---|--------|
| XI. ADVANCE PLANNING | Info |
| a. Future Meeting Dates: | |
| i. Regular Meeting: Wednesday, October 19, 2011 @ 6:00 p.m. - District Board Room - Room 503, located at Riles Middle School, 4747 PFE Road, Roseville, CA 95747 | |
| b. Suggested Agenda Items: | |
| | |
| 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: October 5, 2011

Attached Pages _____

From: Scott A. Loehr, Superintendent

Principal/Administrator Initials: _____

SUBJECT: First Reading: Board Policies/Regulations/Exhibits

Replace	BP/AR	1113	District and School Web Sites
Add	BP/AR	1114	District-Sponsored Social Media
Replace	BP	2210	Administrative Discretion Regarding Board Policy
Replace	BP	3100	Budget
Replace	BP	3280	Sale or Lease of District-Owned Real Property
Replace	BP	3290	Gifts, Grants, and Bequests
Add	BP	4033	Lactation Accommodation
Replace	AR	4112.2	Certification
Replace	AR	4112.22	Staff Teaching English Language Learners
Replace	BP	5030	Student Wellness
Delete	BP	5142.1	Identification and Reporting of Missing Children
Replace	AR	5142.1	Identification and Reporting of Missing Children
Replace	BP	5145.11	Questioning and Apprehension by Law Enforcement
Delete	E	5145.11	Questioning and Apprehension by Law Enforcement
Replace	BP/AR	5148	Child Care and Development
Replace	BP	6111	School Calendar

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

A-X

A-X

DISTRICT AND SCHOOL WEB SITES

Note: The following **optional** policy is for use by districts that maintain their own web site(s) and may be revised to reflect district practice. District strategies for effective use of web sites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

(cf. 0000 - Vision)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

Design Standards

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

Note: Pursuant to Title II of the Americans with Disabilities Act (42 USC 12131-12134), the district must ensure that individuals with disabilities are not discriminated against or excluded from participation in public services, programs, or activities. A U.S. Department of Justice (USDOJ) technical assistance publication, Accessibility of State and Local Government Websites to People with Disabilities, affirms that this statute applies to district-sponsored web sites. Thus, the district should consider the needs of individuals with disabilities and identify features that would enable such persons to access all the site's information. For example, hearing-impaired individuals may not be able to access information in Internet videos or other multimedia presentations that do not have captions, and visually impaired individuals who use screen readers or other assistive technology may not be able to "read" images or photographs without corresponding text. Examples of technical standards for web site accessibility are available from the World Wide Web Consortium, the California Department of Education's standards for state web sites, and other sources.

The USDOJ's technical assistance publication states that an agency with an inaccessible web site may also meet its legal obligations by providing an alternative accessible way for individuals with disabilities to use the programs or services (e.g., a staffed telephone information line), but points out that these alternatives are unlikely to provide an equal degree of access in terms of hours of operation or range of options and programs available.

The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

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

DISTRICT AND SCHOOL WEB SITES (continued)

Guidelines for Content

The Superintendent or designee shall develop content guidelines for district and school web sites and shall assign staff to review and approve content prior to posting.

Note: The district may determine whether or not to post advertising of a commercial nature on district and school web sites. The following **optional** paragraph provides that the district will apply the same policy it has established for advertising in school-sponsored publications (see BP 1325 - Advertising and Promotion) and may be revised to reflect district practice.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.

(cf. 1325 - Advertising and Promotion)

Privacy Rights

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

(cf. 1340 - Access to District Records)

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Note: The following **optional** paragraph may be revised to reflect district practice. The district should carefully consider whether to place personally identifiable information on district or school web sites since release of such information may put individuals, including students, at risk and also may violate Education Code 49073 which prohibits disclosure of student directory information to any private profit-making entity; see BP/AR/E 5125.1 - Release of Directory Information.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

(cf. 5125.1 - Release of Directory Information)

Note: The following options address the use of students' photographs on district or school web sites. Option 1 is for use by districts that, pursuant to Education Code 49061 and 34 CFR 99.3, have included photographs in the definition of directory information as specified in AR 5125.1 - Release of Directory Information, and thus allow parents/guardians the opportunity to request that their child's photograph not be released without their prior written consent. Option 2 is for use by districts that do not wish to allow students' photographs to be published along with their names without specific consent.

DISTRICT AND SCHOOL WEB SITES (continued)

~~**OPTION 1:** Photographs of individual students may be published, together with their names, except when their parent/guardian has notified the district in writing to not release the student's photograph without prior written consent in accordance with BP/AR 5125.1 Release of Directory Information.~~

OPTION 2: Because of the wide accessibility of the Internet and potential risk to students, photographs of individual students shall not be published with their names or other personally identifiable information without the prior written consent of the student's parent/guardian.

Note: The remainder of this policy is for use by all districts.

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Staff members' home addresses or telephone numbers shall not be posted on district or school web sites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

No public safety official shall be required to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

(cf. 3515.3 - District Police/Security Department)

Legal Reference: (see next page)

DISTRICT AND SCHOOL WEB SITES (continued)

Legal Reference:

EDUCATION CODE

35182.5 Contracts for advertising
35258 Internet access to school accountability report cards
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
49061 Definitions, directory information
49073 Release of directory information
60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers
6254.21 Publishing addresses and telephone numbers of officials
6254.24 Definition of public safety official
11135 Nondiscrimination; accessibility to state web sites

PENAL CODE

14029.5 Prohibition against publishing personal information of person in witness protection program

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Management Resources:

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

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

California Department of Education, Web Accessibility Standards:

<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

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

U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

Center Joint Unified School District Board Policy

District And School Web Sites

BP 1113

Community Relations

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the development and ongoing maintenance of district and school web sites. Web sites shall be aligned with the district's plans for communications and media relations.

(cf. 0000 - Vision)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1230 - School-Connected Organizations)

(cf. 1260 - Educational Foundation)

(cf. 4040 - Employee Use of Technology)

(cf. 6020 - Parent Involvement)

The Superintendent or designee may establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

Content

The Superintendent or designee shall develop content guidelines for district and school web sites. These guidelines shall be consistent with law, Board policy, and administrative regulation.

Staff, students, or other persons may submit materials for web publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.

(cf. 6145.5 - Student Organization and Equal Access)

District and school web sites shall not include content that is obscene, libelous, or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts, violate school rules, or substantially disrupt the school's orderly operation.

(cf. 5145.2 - Freedom of Speech/Expression)

The Superintendent or designee should ensure that copyright laws are not violated in the

use of material on district or school web sites.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Any links to external web sites shall support the educational mission and shall include a disclaimer that the district is not responsible for the content of external web sites.

Advertising on district or school web sites may be accepted under the same restrictions and conditions set forth in law, Board policy, and administrative regulations pertaining to advertising in district and school-sponsored publications.

(cf. 1325 - Advertising and Promotion)

(cf. 3312 - Contracts)

Privacy Rights

The Superintendent or designee shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Board members, and other individuals.

(cf. 1340 - Access to District Records)

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Phone numbers, home addresses, and email addresses of students or their parents/guardians shall not be published on a district or school web page.

(cf. 5125.1 - Release of Directory Information)

Because of the wide accessibility of the Internet and potential risk to students, photograph(s) of a student shall not be published with his/her name or other personally identifiable information without the prior written consent of the student's parent/guardian. Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Home addresses or telephone numbers of staff members shall not be posted.

No public safety official shall be required as a condition of employment to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

District and school web sites shall not post the home address or telephone number of any

elected or appointed official including, but not limited to, a Board member or public safety official, without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

(cf. 3515.3 - District Police/Security Department)

Legal Reference:

EDUCATION CODE

35182.5 Contracts for advertising
35258 Internet access to school accountability report cards
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
49061 Definitions, directory information
49073 Release of directory information
60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers
6254.21 Publishing addresses and phone numbers of officials
6254.24 Definition of public safety official

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37
Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Community Leadership, 1996

WEB SITES

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

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

National School Public Relations Association: <http://www.nspra.org>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: October 17, 2007 Antelope, California

DISTRICT AND SCHOOL WEB SITES

Note: The following optional administrative regulation is for use by districts that maintain their own web site(s) and may be revised to reflect district practice.

Guidelines for Content

District and school web sites shall provide current information regarding district/school programs, activities, and operations. Such information shall be appropriate for both internal and external audiences and may include district mission and goals, district or school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, and links to educational resources.

(cf. 0440 - District Technology Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 6020 - Parent Involvement)

With approval of the principal, individual teachers may create web pages linked to the district or school web site to provide information pertaining to class assignments, expectations, and activities.

Note: In determining who will be allowed to provide content for district or school web sites, districts should consult with legal counsel on matters pertaining to protected speech and equal access. In the event of litigation on this issue, one approach a court might use would be to draw analogies with protections that currently exist for the print medium (see BP/AR 5145.2 - Freedom of Speech/Expression) and regulations regarding equal access (see BP/AR 6145.5 - Student Organizations and Equal Access).

Student work may be published on district or school web sites provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper.

Note: Federal copyright law (17 USC 107) and the courts have generally provided that teachers, students, and schools are allowed to make "fair use" of published materials for instructional purposes in situations which are not likely to deprive a publisher or an author of income; see BP/AR 6162.6 - Use of Copyrighted Materials. Unless there is a clear statement that text, art, or photos are in the "public domain" and available for free use, such material should not be replicated on a web site without prior permission of the owner of the copyright.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of materials on district and school web sites. If any copyrighted material is posted, a notice shall be included crediting the original producer of the material and noting how and when permission to reprint the material was granted.

(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 6162.6 - Use of Copyrighted Materials)

DISTRICT AND SCHOOL WEB SITES (continued)

Whenever a district or school web site includes links to external web sites, it shall include a disclaimer that the district is not responsible for the content of external web sites.

Roles and Responsibilities

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the web site(s) upon approval of the Superintendent or designee. He/she shall ensure consistency of the material with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Superintendent or designee may assign additional staff members to conduct an editorial review of all materials submitted for publication on district or school web sites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Security

The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school web sites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

Center Joint Unified School District

Administrative Regulation

District And School Web Sites

AR 1113

Community Relations

Content

District and school web sites shall provide current and useful information regarding district programs, activities and operations. Such information shall be appropriate for both internal and external audiences.

The content of web sites may include, but not be limited to, district or school news, district mission and goals, agendas and minutes of Governing Board meetings, policy information, messages from the Board or administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, lunch menus, transportation schedules, school map, school handbook, parent conferences, educational resources, links to other educational sites and contacts for further information.

The Superintendent or designee shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258)

(cf. 0510 - School Accountability Report Card)

Student work may be published on a web site provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a newspaper or school newsletter.

Students, staff or other individuals may not use district or school web sites to provide access to their personal web pages or online services.

If any copyrighted material is posted on a district or school web site, the web site shall include a notice crediting the original producer of the material and noting how and when permission to reprint the material was granted.

(cf. 6162.6 - Use of Copyrighted Materials)

Roles and Responsibilities

The district webmaster shall be responsible for the content and publication of the district web site upon approval of the Superintendent

or designee. He/she shall review all content before publication, upload content to the district web server, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed to school webmasters.

The school webmaster shall perform similar duties related to the content and maintenance of the school's web site upon approval of the school principal. The principal or school webmaster shall notify the Superintendent or designee regarding the creating and updating of a school web site.

Security

The web site host computer shall have security procedures that prohibit unauthorized persons from accessing system-level controls or making changes to web site content. To the extent possible, the host computer shall be in a lockable room with restricted access.

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: August 2, 2000 Antelope, California

Add

Community Relations

BP 1114(a)

DISTRICT-SPONSORED SOCIAL MEDIA

Note: The following optional policy is for use by districts that have created an official district (i.e., district-sponsored) social media platform. "Social media" is defined in the accompanying administrative regulation as an online platform for collaboration, interaction, and active participation, including social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs. Districts that have not created such platforms should delete this policy and regulation.

District strategies for effective use of online social media may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

The Governing Board recognizes the value of technology such as social media platforms in promoting community involvement and collaboration. The purpose of any official district social media platform shall be to further the district's vision and mission, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

(cf. 0000 - Vision)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 6020 - Parent Involvement)

(cf. 6145.5 - Student Organizations and Equal Access)

Note: To minimize liability to the district, it is important that the district's social media policy clearly define the official social media platforms over which it has control and to specify the standards, guidelines, and protocols for their use. An "official district social media platform" is defined in the accompanying administrative regulation. District policy and guidelines do not apply to personal social media platforms that may be created by students, staff members, or other individuals which may sometimes include discussion of district-related issues but are not sponsored by the district.

The Superintendent or designee shall develop content guidelines and protocols for official district social media platforms to ensure the appropriate and responsible use of these resources and compliance with law, Board policy, and regulation.

Guidelines for Content

Note: Because of the open accessibility of social media, content will be posted by members of the public on the district's official platform without prior approval by district staff. By allowing the public to post comments, some legal analysts have opined that a "limited public forum" is created which grants individuals certain freedom of speech rights and limits the district's ability to remove comments or posts. In order to protect against possible constitutional challenges, any removal of content by the district should be based on viewpoint-neutral considerations, such as prohibitions of posts that violate laws against discrimination or harassment or that are unrelated to the purpose of the site. In addition, in order to help maintain the district's ability to remove content, users should be informed of the purpose of the site and the limited nature of the discussion and district staff should regularly monitor sites so that materials are removed in an even-handed and consistent manner. See the accompanying administrative regulation for language regarding removal of posts and monitoring of sites. It is recommended that the district consult legal counsel prior to adopting this policy and regulation to ensure that any provisions related to removal of posts or discipline of students or staff are consistent with law.

DISTRICT-SPONSORED SOCIAL MEDIA (continued)

Official district social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and allowing for public comment, the Board does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall ensure that the limited purpose of the official district social media platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a statement that users are personally responsible for the content of their posts.

Official district social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

(cf. 5131 - Conduct)

Note: Staff and students who post prohibited content on official district social media platforms are subject to discipline in accordance with district policies and regulations. Pursuant to Education Code 48900(r), a student may be subject to suspension or expulsion if he/she engages in an act of bullying by means of an electronic act as defined in Education Code 32261; see AR 5144.1 - Suspension and Expulsion/Due Process. AB 746 (Ch. 72, Statutes of 2011) broadened the definition of "electronic act" in Education Code 32261 to include posts on a social networking site.

When staff and students misuse the district's technological resources, they also may be subject to cancellation of user privileges in accordance with the district's Acceptable Use Agreement; see BP/AR 4040 - Employee Use of Technology and BP/AR 6163.4 - Student Use of Technology.

Staff or students who post prohibited content shall be subject to discipline in accordance with district policies and administrative regulations.

(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6163.4 - Student Use of Technology)

DISTRICT-SPONSORED SOCIAL MEDIA (continued)

Note: Communication on social media platforms may raise legal issues for users regarding public records laws. In addition, individual Governing Board members using social media platforms must be careful not to violate the Brown Act. Pursuant to Government Code 54952.2, a prohibited serial meeting may result from a series of communications involving a majority of the Board to discuss, deliberate, or take action on any item of district business outside of an authorized meeting. See BB 9012 - Board Member Electronic Communications. In addition, information posted may be considered a record subject to the Public Records Act (Government Code 6250-6270).

Users of official district social media platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The Board expects users to conduct themselves in a respectful, courteous, and professional manner.

(cf. 1340 - Access to District Records)

(cf. 9012 - Board Member Electronic Communications)

Privacy

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official district social media platforms.

Board policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, as specified in BP 1113 - District and School Web Sites, shall also apply to official district social media platforms.

(cf. 5125.1 - Release of Directory Information)

Social media and networking sites and other online platforms shall not be used by district employees to transmit confidential information about students, employees, or district operations.

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference: (see next page)

DISTRICT-SPONSORED SOCIAL MEDIA (continued)

Legal Reference:

EDUCATION CODE

32261 *School safety, definitions of bullying and electronic act*

35182.5 *Contracts for advertising*

48900 *Grounds for suspension and expulsion*

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

49061 *Definitions, directory information*

49073 *Release of directory information*

60048 *Commercial brand names, contracts or logos*

GOVERNMENT CODE

3307.5 *Publishing identity of public safety officers*

6250-6270 *Public Records Act, especially:*

6254.21 *Publishing addresses and phone numbers of officials*

6254.24 *Definition of public safety official*

54952.2 *Brown Act, definition of meeting*

UNITED STATES CODE, TITLE 17

101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

1232g *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

157 *Employee rights to engage in concerted, protected activity*

794 *Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275

Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 *Sears Holdings*, December 4, 2009

Management Resources:

FACEBOOK PUBLICATIONS

Facebook for Educators Guide, 2011

WEB SITES

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

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

Facebook in Education: <http://www.facebook.com/education>

Facebook for Educators: <http://facebookforeducators.org>

Facebook, privacy resources: <http://www.facebook.com/fbprivacy>

Add

Community Relations

AR 1114(a)

DISTRICT-SPONSORED SOCIAL MEDIA

Note: The following optional administrative regulation may be revised to reflect district practice and the types of online platforms used by the district.

Definitions

Social media means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs.

Note: To minimize liability to the district, it is important that the district clearly define the official social media platforms over which it has control and to specify the standards, guidelines, and protocols for their use. The following definition may be revised to reflect district practice. District policy and guidelines do not apply to personal social media platforms that may be created by students, staff members, or other individuals which may sometimes include discussion of district-related issues but are not sponsored by the district.

Official district social media platform is a site authorized by the Superintendent or designee. Sites that have not been authorized by the Superintendent or designee but that contain content related to the district or comments on district operations, such as a site created by a parent-teacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered official district social media platforms.

(cf. 1230 - *School-Connected Organizations*)

(cf. 1260 - *Educational Foundations*)

Authorization for Official District Social Media Platforms

The Superintendent or designee shall authorize the development of any official district social media platform. Teachers and coaches shall obtain approval from the principal before creating an official classroom or team social media platform.

Guidelines for Content

The Superintendent or designee shall ensure that official district social media platforms provide current information regarding district programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. Official district social media platforms shall contain content that is appropriate for all audiences.

(cf. 0440 - *District Technology Plan*)

(cf. 0510 - *School Accountability Report Card*)

(cf. 1100 - *Communication with the Public*)

(cf. 1112 - *Media Relations*)

(cf. 1113 - *District and School Web Sites*)

(cf. 6020 - *Parent Involvement*)

(cf. 6145.5 - *Student Organization and Equal Access*)

DISTRICT-SPONSORED SOCIAL MEDIA (continued)

Note: Federal copyright law (17 USC 107) and the courts have generally provided that teachers, students, and schools are allowed to make "fair use" of materials for instructional purposes in situations which are not likely to deprive a publisher or an author of income; see BP/AR 6162.6 - Use of Copyrighted Materials. Unless there is a clear statement that text, art, or photos are in the "public domain" and available for free use, such material should not be replicated without prior permission of the owner of the copyright.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official district social media platforms.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Note: Because of the open accessibility of social media, content will be posted by members of the public on the district's official platform without prior approval by district staff. By allowing the public to post comments, some legal analysts have opined that a "limited public forum" is created which grants individuals certain freedom of speech rights and limits the district's ability to remove comments or posts.

Decisions by the National Labor Relations Board (NLRB) (e.g., Sears Holdings) point to the need to be cautious in establishing policy related to employee use of electronic communications so as to not interfere with an employee's right to engage in protected, concerted activity granted by 29 USC 157. The NLRB has held that social media policies can prohibit the disclosure of confidential information and address legitimate concerns for managing the workplace, but cannot expressly or by implication prohibit employees from talking with each other about wages, hours, and other terms and conditions of employment.

In addition, Education Code 48907 grants students the right to freedom of speech except for speech which is obscene, libelous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of lawful school regulations, or substantial disruption of the orderly operation of the school. Also see BP/AR 5145.2 - Freedom of Speech/Expression and BP/AR 6145.5 - Student Organizations and Equal Access.

Furthermore, if the district chooses to post advertising of a commercial nature on official district social media platforms, then the ability to remove comments of a commercial nature posted by others may be limited. Districts should also be cautious about the use of district resources, such as its official district social media platforms, for political purposes; see BP 1160 - Political Processes.

In order to protect against possible constitutional challenges, any removal of content by the district should be based on viewpoint-neutral considerations, such as preventing the violation of laws against discrimination or harassment or the posting of materials that are unrelated to the purpose of the site. The district should consult legal counsel to ensure that its guidelines for removal of posts are consistent with law. Also see the accompanying Board policy.

The Superintendent or designee shall ensure that official district social media platforms are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of the district's policy, regulation, or content guidelines.

DISTRICT-SPONSORED SOCIAL MEDIA (continued)

Each official district social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.
2. Information on how to use the security settings of the social media platform.
3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
 - a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation
 - b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment

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

(cf. 1160 - Political Processes)

(cf. 1325 - Advertising and Promotion)

4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.
5. A statement that users are personally responsible for the content of their posts and that the district is not responsible for the content of external online platforms.
6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the district.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the district.
8. The individual(s) to contact regarding violation of district guidelines on the use of official district social media platforms.

Appropriate Use by District Employees

<p>Note: For policy language regarding appropriate employee communications and relationships with students, see BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4040 - Employee Use of Technology.</p>

DISTRICT-SPONSORED SOCIAL MEDIA (continued)

District employees who participate in official district social media platforms shall adhere to all applicable district policies and procedures, including, but not limited to, professional standards related to interactions with students.

(cf. 4040 - Employee Use of Technology)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

When appropriate, employees using official district social media platforms shall identify themselves by name and district title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the district or school.

All staff shall receive information about appropriate use of the official district social media platforms.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

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

Through the adoption of written policies, the Governing Board conveys its expectations for actions that will be taken in the district, clarifies roles and responsibilities of the Board and Superintendent, and communicates Board philosophy and direction. However, the Board recognizes that, at times, situations may arise in the operation of district schools or in the implementation of district programs that are not addressed in Board policy or administrative regulation. When resolution of such a situation necessitates immediate action, the Superintendent or designee shall have the authority to act on behalf of the district.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 9000 - Role of the Board)

(cf. 9310 - Board Policies)

If the situation or its resolution may affect the safety or security of students or staff members, involve a significant impact on student learning, or create a distraction within the school community, the Superintendent or designee shall notify the Board as soon as practicable after its occurrence. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516.5 - Emergency Schedules)

(cf. 9322 - Agenda/Meeting Materials)

Tier 3 Categorical Flexibility

Note: Education Code 42605, as amended by SB 70 (Ch. 7, Statutes of 2011), grants districts flexibility to use funds received for 39 "Tier 3" categorical programs for any "educational purpose" for the 2008-09 through 2014-15 fiscal years. To receive categorical program funds pursuant to Education Code 42605, the Governing Board must (1) hold a public hearing to take testimony from the public and to discuss and approve the proposed use of the funding and (2) make explicit for each budget item the purposes for which the funds will be used; see BP 3110 - Transfer of Funds. Any district that accepts the flexibility based on these requirements is deemed in compliance with the program and funding requirements of the affected categorical program for the duration of the flexibility.

The following **optional** section is for use by districts that have accepted the categorical flexibility and provides for the temporary suspension of provisions of affected policies, administrative regulations, and other documents during the period of flexibility. Adoption of this language will enable the district to make programmatic changes without revising and reissuing all affected policies and administrative regulations. In addition, it is recommended that districts add a cautionary notice to each affected policy and regulation to alert readers that provisions in those materials may have been temporarily suspended. See CSBA's policy advisory Policy Implications of Categorical Program Flexibility.

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY (continued)

However, this grant of flexibility by the legislature does not affect or alter any existing bargaining agreement that the district may have in place or the terms of any contract with external third parties. Districts are still subject to those contractual obligations, unless those agreements are renegotiated. Districts should examine the terms of these agreements and consult with district legal counsel for guidance.

The Board has determined that it is in the best interest of the district to utilize the categorical program flexibility authorized by Education Code 42605. In implementing the flexibility, the Superintendent, in accordance with Education Code 42605, may suspend any program or funding requirement reflected in any Board policy, administrative regulation, or other document designed for the operation of any Tier 3 categorical program to the extent that such suspension does not affect the terms of any existing district contract or bargaining agreement. As necessary, the Superintendent or designee shall consult with other district staff, including the legal counsel and/or the chief business official, regarding the district's exercise of this flexibility.

The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3110 - Transfer of Funds)
(cf. 3111 - Deferred Maintenance Funds)
(cf. 4111 - Recruitment and Selection)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4117.14/4317.14 - Postretirement Employment)
(cf. 4131 - Staff Development)
(cf. 4131.1 - Beginning Teacher Support/Induction)
(cf. 4138 - Mentor Teachers)
(cf. 4139 - Peer Assistance and Review)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5145.6 - Parental Notifications)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5149 - At-Risk Students)
(cf. 6141.5 - Advanced Placement)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.91 - Reading/Language Arts Instruction)

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY (continued)

(cf. 6142.94 - History-Social Science Instruction)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6151 - Class Size)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6162.52 - High School Exit Examination)
(cf. 6163.1 - Library Media Centers)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6179 - Supplemental Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)
(cf. 6200 - Adult Education)
(cf. 7214 - General Obligation Bonds)
(cf. 9323.2 - Actions by the Board)

Legal Reference:

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules
35035 Powers and duties of superintendent
35160 Authority of governing boards
35160.5 Annual review of school district policies
35163 Official actions, minutes and journal
42605 Tier 3 categorical flexibility

Management Resources:

CSBA PUBLICATIONS

Policy Implications of Categorical Program Flexibility, Policy Advisory, November 2009

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009

WEB SITES

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

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

Center Joint Unified School District

Board Policy

Administrative Discretion Regarding Board Policy

BP 2210

Administration

Through Governing Board policy, the Board tries to anticipate critical policy issues that may affect district students and operations. However, the Board recognizes that questions may arise in the day-to-day operations of the schools that are not addressed in Board policy or administrative regulations. When resolution of such issues demands timely action, the Superintendent or designee shall have the authority to act on behalf of the district.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 9000 - Role of the Board)

(cf. 9310 - Board Policies)

If the matter involves a policy decision that is likely to be controversial, or a matter that has a significant impact on student learning or safety, the Superintendent or designee shall notify the Board president as soon as practicable after its occurrence. The Board president shall then inform the Board as appropriate.

The Board president may schedule a review of the action at the next regular Board meeting.

If the action indicates the need for additions or revisions in Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

(cf. 9322 - Agenda/Meeting Materials)

Tier 3 Categorical Flexibility

The Board has determined that it is in the best interest of the district to utilize the categorical program flexibility authorized by Education Code 42605. In accordance with Education Code 42605, for the 2008-09 through 2012-13 fiscal years, the Superintendent may suspend statutory or regulatory program and funding requirements for Tier 3 categorical programs reflected in any of the district's Board policies, administrative regulations, bylaws, or exhibits to the extent that such suspension does not affect the terms of any existing district contract or bargaining agreement. He/she may also suspend any such language reflected in any district procedure, rule, plan, or employee or student handbook. As necessary, the Superintendent or designee shall consult with other staff, district legal counsel, and/or the chief business official regarding the district's exercise of this flexibility.

The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3110 - Transfer of Funds)
(cf. 3111 - Deferred Maintenance Funds)
(cf. 4111 - Recruitment and Selection)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4117.14/4317.14 - Postretirement Employment)
(cf. 4131 - Staff Development)
(cf. 4131.1 - Beginning Teacher Support/Induction)
(cf. 4138 - Mentor Teachers)
(cf. 4139 - Peer Assistance and Review)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5145.6 - Parental Notifications)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5148.1 - Childcare Services for Parenting Students)
(cf. 5149 - At-Risk Students)
(cf. 6111 - School Calendar)
(cf. 6141.5 - Advanced Placement)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6151 - Class Size)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6162.52 - High School Exit Examination)
(cf. 6163.1 - Library Media Centers)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6179 - Supplemental Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)
(cf. 6200 - Adult Education)
(cf. 7214 - General Obligation Bonds)
(cf. 9323.2 - Actions by the Board)

Legal Reference:

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules
35035 Powers and duties of superintendent
35160 Authority of governing boards
35160.5 Annual review of school district policies
35163 Official actions, minutes and journal
42605 Tier 3 categorical flexibility

Management Resources:

CSBA PUBLICATIONS

Policy Implications of Categorical Program Flexibility, Policy Advisory, November 2009
Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for
Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009

WEB SITES

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

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

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: February 17, 2010 Antelope, California

BUDGET

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

(cf. 0000 - Vision)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9000 - Role of the Board)

Note: AB 114 (Ch. 43, Statutes of 2011) amended Education Code 42127 to provide that, for the 2011-12 fiscal year, the district budget must project the same level of state revenues that the district received in the 2010-11 fiscal year and must maintain staffing and program levels commensurate with that level. The Governor's signing message clarifies that this applies only to state funding received in the 2011-12 state budget and that districts may still need to reduce expenditures due to cost increases, loss of federal funds, enrollment declines, or other factors.

In addition, for the 2011-12 fiscal year, Education Code 42127, as amended, deletes a requirement that districts demonstrate the ability to meet their financial obligations for the subsequent two years. Thus, the County Superintendent of Schools cannot require the district to do so as a condition of approval of the district budget; see BP/AR 3460 - Financial Reports and Accountability.

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

Budget Development and Adoption Process

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

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

BUDGET (continued)

OPTION 1: (Single Budget Adoption Process)

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

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

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

Note: The remainder of this section applies to districts that selected either Option 1 or 2 above.
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In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

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

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

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

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

Note: Education Code 42126 requires the district's final budget to be submitted to the County Superintendent in a format prescribed by the Superintendent of Public Instruction. The CDE requires districts to use the Standardized Account Code Structure; see the accompanying administrative regulation. At its discretion, the district may use a different format for communicating the budget to the Board, staff, and public but, according to the CDE, the budget that the Board formally adopts must be in the format that will be submitted to the County Superintendent.

BUDGET (continued)

The budget that is formally adopted by the Board shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

Budget Advisory Committee

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

This committee is different from the budget review committee that is required in the event that the County Superintendent disapproves the district's budget; see the accompanying administrative regulation.

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

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

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

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

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

(cf. 1220 - Citizen Advisory Committees)
 (cf. 2230 - Representative and Deliberative Groups)
 (cf. 3350 - Travel Expenses)
 (cf. 9130 - Board Committees)
 (cf. 9140 - Board Representatives)

Budget Criteria and Standards

Note: Education Code 33129 requires the district to develop its budget and manage its expenditures in keeping with criteria and standards adopted by the State Board of Education pursuant to Education Code 33127. These criteria and standards are delineated in Education Code 33128 and 5 CCR 15440-15451.

BUDGET (continued)

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

Note: 5 CCR 15450 establishes a minimum percentage or amount, based on the district's average daily attendance, which the district must maintain as a general fund reserve for economic uncertainty. However, SB 70 (Ch. 7, Statutes of 2011) amended Education Code 33128.3 to reduce the required reserve to one-third of that amount for the 2009-10, 2010-11, and 2011-12 fiscal years. In fiscal year 2012-13 the district is required to make progress toward restoring the full reserve, and by fiscal year 2013-14 the district must again comply with the reserve threshold specified in 5 CCR 15450. The following paragraph may be revised to reflect the specific percentage or amount applicable to the district.

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

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

(cf. 2210 - Administrative Discretion Regarding Board Policy)

(cf. 3110 - Transfer of Funds)

Fund Balance

Note: The following optional section should be revised to reflect district practice. Governmental Accounting Standards Board (GASB) Statement 54 makes changes in the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds must be reported in external financial reports, beginning in the fiscal year starting July 1, 2010. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions; also see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components.

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

BUDGET (continued)

1. *Nonspendable fund balance* includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. *Restricted fund balance* includes amounts constrained to specific purposes by their providers or by law.
3. *Committed fund balance* includes amounts constrained to specific purposes by the Board.

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period of June 30, although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. *Assigned fund balance* includes amounts which the Board or its designee intends to use for a specific purpose.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent or designee and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements.

5. *Unassigned fund balance* includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the district shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the unassigned fund balance, and lastly from the unassigned fund balance.

Note: The remainder of this section is **optional**. Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA's Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, liquidity of resources, and portion of unrestricted fund balance already committed or assigned for a specific purpose. According to the GFOA, a public agency may deem it appropriate to exclude committed and assigned resources and focus on unassigned fund balance rather than unrestricted fund balance.

The CDE's New Requirements for Reporting Fund Balance in Governmental Funds suggests that a district's fund balance policy should not be limited to the reserve for economic uncertainty and that many districts find it prudent to maintain reserves above the minimum level recommended by 5 CCR 15450. The following **optional** paragraph is based on sample language for non-basic aid districts provided on the CDE's web site and should be revised to reflect district practice. Basic aid districts may choose to adopt the CDE's

BUDGET (continued)

recommendation that basic aid districts maintain a minimum unassigned fund balance of not less than 15 percent of budgeted general fund expenditures and other financing uses as a reserve for economic uncertainties.

~~To protect the district against unforeseen circumstances such as revenue shortfalls and unanticipated expenditures, the Board intends to maintain a minimum unassigned fund balance which includes a reserve for economic uncertainties equal to at least two months of general fund operating expenditures, or 17 percent of general fund expenditures and other financing uses.~~

Note: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following optional paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year).

~~If the unassigned fund balance falls below this level due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.~~

Long-Term Financial Obligations

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

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

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

(cf. 7210 - Facilities Financing)

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

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

BUDGET (continued)

determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

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

CSBA's GASB 45 Solutions program provides access to qualified actuaries and consultants and a GASB 45-compliant trust to prefund future obligations. See CSBA's web site for further information.

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

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

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

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

Budget Amendments

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

BUDGET (continued)

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

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

*Legal Reference:***EDUCATION CODE***1240 Duties of county superintendent of schools**33127-33131 Standards and criteria for local budgets and expenditures**35035 Powers and duties of superintendent**35161 Powers and duties, generally, of governing boards**42103 Public hearing on proposed budget; requirements for content of proposed budget**42122-42129 Budget requirements**42130-42134 Financial certifications**42140-42141 Disclosure of fiscal obligations**42602 Use of unbudgeted funds**42605 Tier 3 categorical flexibility**42610 Appropriation of excess funds and limitation thereon**44518-44519.2 Chief business officer training program**45253 Annual budget of personnel commission**45254 First year budget of personnel commission***GOVERNMENT CODE***7900-7914 Appropriations limit***CODE OF REGULATIONS, TITLE 5***15060 Standardized account code structure**15440-15451 Criteria and standards for school district budgets*

Management Resources: (see next page)

BUDGET (continued)

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009

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

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

WEB SITES

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

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

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

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

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

Government Finance Officers Association: <http://www.gfoa.org>

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

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

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

Center Joint Unified School District Board Policy

Budget

BP 3100

Business and Noninstructional Operations

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

(cf. 0000 - Vision)

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

(cf. 3460 - Financial Reports and Accountability)

(cf. 9000 - Role of the Board)

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

Budget Development and Adoption Process

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

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

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

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

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

The budget that is formally adopted by the Board shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

Budget Advisory Committee

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

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

(cf. 1220 - Citizen Advisory Committees)
(cf. 2230 - Representative and Deliberative Groups)
(cf. 3350 - Travel Expenses)
(cf. 9130 - Board Committees)
(cf. 9140 - Board Representatives)

Budget Criteria and Standards

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

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

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

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 3110 - Transfer of Funds)

Fund Balance

The Board shall adopt a formal resolution that provides for classification of fund balances in the general fund and is compliant with Governmental Accounting Standards Board (GASB) Statement 54. The resolution also shall:

1. Establish specific steps for committing funds that cannot be used for any other purpose unless the Board takes action to remove or change the constraint
2. Express the authority of the Board and/or delegate authority to other person(s) to identify intended uses of assigned funds
3. Establish the order in which fund balances will be spent when multiple fund balance types are available for an expenditure
4. Address the minimum fund balance in the general fund by establishing an appropriate level of unrestricted fund balance that will be maintained in the general fund, the circumstances under which the unrestricted fund balance can be spent down, and the procedure for replenishing deficiencies

The Board reserves the authority to review and amend this resolution as needed to reflect changing circumstances and district needs.

Long-Term Financial Obligations

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

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 7210 - Facilities Financing)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

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

and maintains flexibility to adjust for changing budgetary considerations.

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

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

Budget Amendments

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

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

Legal Reference:

EDUCATION CODE

1240 Duties of county superintendent of schools

33127-33131 Standards and criteria for local budgets and expenditures

35035 Powers and duties of superintendent

35161 Powers and duties, generally, of governing boards

42103 Public hearing on proposed budget; requirements for content of proposed budget

42122-42129 Budget requirements

42130-42134 Financial certifications

42140-42141 Disclosure of fiscal obligations

42602 Use of unbudgeted funds
42605 Tier 3 categorical flexibility
42610 Appropriation of excess funds and limitation thereon
44518-44519.2 Chief business officer training program
45253 Annual budget of personnel commission
45254 First year budget of personnel commission
GOVERNMENT CODE
7900-7914 Appropriations limit
CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006

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School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

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September 2006

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

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2009

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Benefits Other Than Pensions, June 2004

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

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

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

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

Government Finance Officers Association: <http://www.gfoa.org>

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

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

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

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: October 20, 2010 Antelope, California

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

Note: The following optional policy and accompanying administrative regulation detail the procedures that govern the district's sale or lease of surplus real property.

When district properties are not being utilized for school purposes after specific time periods, Education Code 17219-17224 authorize the State Allocation Board (SAB) to charge an "unused site fee." The Office of Public School Construction has developed a guide, the Unused Site Program Handbook, to assist districts with non-use payments.

The Governing Board believes that the district should utilize its facilities and resources in the most economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space and the effective delivery of instruction.

(cf. 1330 - Use of School Facilities)

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7160 - Charter School Facilities)

Note: Education Code 17455 authorizes the lease, for up to 99 years, or sale of any surplus district real property and personal property located upon that real property. When the district is selling any property or leasing it with an option to purchase, Education Code 17464 and Government Code 54222 list the public entities that have priority and the types of notice that the district must provide such entities before disposing of the property. Under certain circumstances, districts may also need to comply with Education Code 17485-17500 (the Naylor Act), which require the granting of priority to public agencies when disposing of any district property that includes a playground, playing field, or land with an outdoor recreational purpose. Pursuant to Education Code 17458, the district may, under certain conditions, grant priority to licensed child care providers or, pursuant to Education Code 17230, for less than fair market value to public entities for recreational purposes.

When proposing the sale or lease of surplus property, the district must also comply with the California Environmental Quality Act, Public Resources Code 21000-21177.

Upon determination that district property is no longer needed or may not be needed until some future time, the Board shall offer to sell or lease district-owned real property in accordance with priorities and procedures specified in law, including, but not limited to, Education Code 17230, 17464, 17485-17500, and Government Code 54222.

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Prior to the sale or lease of property, Education Code 17388 requires the Governing Board to appoint a district advisory committee to advise the Board regarding the disposition of the property. See the accompanying administrative regulation for details about the membership and duties of this committee. Pursuant to Education Code 17387, this committee is not required for leases or rentals of a district facility to a private school for the purpose of offering summer school. Districts that wish to establish the committee to allow greater opportunity for community input before the Board's decision to sell or lease property has been made should modify the following paragraph accordingly.

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Prior to the sale or lease of any surplus real property, the Board shall appoint a district advisory committee to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

(cf. 1220 - Citizen Advisory Committees)

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regular, open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

(cf. 9323.2 - Actions by the Board)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. (Education Code 17469)

The Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the district's intent to sell it in accordance with Education Code 17470.

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)

(cf. 9320 - Meetings and Notices)

Use of Proceeds

Note: Education Code 17462 requires the district to use the proceeds derived from the sale or lease of property for capital outlay or maintenance. However, proceeds from the sale or lease with an option to purchase may be deposited in the district's general fund when the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements. Thus, districts may not apply to the state for new construction or modernization funding during that time period unless certain conditions specified in Education Code 17462 are satisfied.

In addition, Education Code 17462 requires that proceeds be used for one-time expenditures and prohibits the use for ongoing expenditures. 2 CCR 1700 defines "ongoing expenditures" as costs paid by a district's general or special fund in support of salaries. However, 2 CCR 1700 creates an exception and authorizes the use of such proceeds, if approved by the SAB, for one-time funding to reduce a district's unfunded liability for other postemployment benefits (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees). For information about prefunding OPEBs and reporting the district's liability for OPEBs, see BP 3100 - Budget and AR 3460 - Financial Reports and Accountability.

The Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of district surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Note: As amended by SB 70 (Ch. 7, Statutes of 2011), Education Code 17463.7 authorizes districts, until January 1, 2014, to use the proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose. Districts that choose to exercise the authority will be ineligible for hardship funding from the SAB for five years after the proceeds are deposited.

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Prior to exercising this authority, Education Code 17463.7 requires the Board to adopt a plan for expending the resources and to make specific certifications to the SAB, as specified below. Education Code 17463.7 contains additional requirements applicable to the sale of property purchased with proceeds from a local general obligation bond or revenue from developer fees.

Pursuant to the authorization in Education Code 17463.7, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Prior to exercising this authority, the Board shall certify to the State Allocation Board that: (Education Code 17463.7)

1. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.

(cf. 3111 - Deferred Maintenance Funds)

2. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.

(cf. 7214 - General Obligation Bonds)

3. The real property is not suitable to meet projected school construction needs for the next 10 years.

Prior to exercising this authority, the Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district. (Education Code 17463.7)

Legal Reference: (see next page)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Legal Reference:

EDUCATION CODE

17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions

17230-17234 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17400-17429 Leasing property

17430-17447 Leasing facilities

17453 Lease of surplus district property

17455-17484 Sale or lease of real property, especially:

17463.7 Proceeds for general fund purposes

17485-17500 Surplus school playground (Naylor Act)

17515-17526 Joint occupancy

17527-17535 Joint use of district facilities

33050 Request for waiver

38130-38139 Civic Center Act

GOVERNMENT CODE

54220-54232 Surplus land, especially:

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952 Legislative body, definition

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2

1700 Definitions related to surplus property

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App. 4th 1356

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, September 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

WEB SITES

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

California Department of Education, School Facilities Planning Division: <http://www.cde.ca.gov/ls/fa>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Center Joint Unified School District

Board Policy

Sale Or Lease Of District-Owned Real Property

BP 3280

Business and Noninstructional Operations

The Governing Board believes that the district should utilize its facilities and resources in the most economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space and the effective delivery of instruction.

- (cf. 1330 - Use of School Facilities)
- (cf. 7110 - Facilities Master Plan)
- (cf. 7111 - Evaluating Existing Buildings)
- (cf. 7160 - Charter School Facilities)

Upon determination that district property is no longer needed or may not be needed until some future time, the Board shall offer to sell or lease district-owned real property in accordance with priorities and procedures specified in law, including, but not limited to, Education Code 17230, 17464, 17485-17500, and Government Code 54222.

- (cf. 5148 - Child Care and Development)
- (cf. 5148.2 - Before/After School Programs)
- (cf. 5148.3 - Preschool/Early Childhood Education)

When required by law, the Board shall appoint a district advisory committee to advise the Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

- (cf. 1220 - Citizen Advisory Committees)

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regular, open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

(cf. 9323.2 - Actions by the Board)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a paper exists. (Education Code 17469)

The Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the district's intent to sell it in accordance with Education Code 17470.

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)

(cf. 9320 - Meetings and Notices)

Use of Proceeds

The Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of district surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Until January 1, 2012, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Prior to exercising this authority, the Board shall certify to the State Allocation Board that: (Education Code 17463.7)

1. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.

(cf. 3111 - Deferred Maintenance Funds)

2. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.

(cf. 7214 - General Obligation Bonds)

3. The real property is not suitable to meet projected school construction needs for the next 10 years.

Prior to exercising this authority, the Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district. (Education Code 17463.7)

Legal Reference:

EDUCATION CODE

17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions

17230-17234 Surplus property

17385 Conveyances to and from school districts

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17400-17429 Leasing property

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Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

WEB SITES

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

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

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: February 17, 2010 Antelope, California

GIFTS, GRANTS AND BEQUESTS

Note: Education Code 41032 authorizes the Governing Board to accept gifts on behalf of the district and to prescribe conditions for their acceptance. Criteria listed in this optional policy may be revised to reflect district practice.

The Governing Board may accept any gift, grant, or bequest of money, property, or service to the district from any individual, private agency or organization, or other public agency that desires to support the district's educational program. While greatly appreciating suitable donations, the Board shall reject any gift which may directly or indirectly impair its authority to make decisions in the best interest of district students or its ability or commitment to provide equitable educational opportunities.

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

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

(cf. 1260 - Educational Foundation)

Note: A donor may impose restrictions and conditions on the use of a gift. Unless the conditions are illegal, the district will be subject to those conditions if it accepts the gift.

Before accepting any gift, grant, or bequest, the Board shall carefully consider any conditions or restrictions imposed by the donor to ensure their consistency with the district's vision, philosophy, and operations. If the Board believes the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

(cf. 0000 - Vision)

In addition, the Board shall ensure that acceptance of the gift, grant, or bequest does not:

1. Involve creation of a program which the Board would be unable to sustain when the donation is exhausted
2. Entail undesirable or excessive costs
3. Promote the use of violence, drugs, tobacco, or alcohol or the violation of any law or district policy

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

4. Imply endorsement of any business or product or unduly commercialize or politicize the school environment

(cf. 1325 - Advertising and Promotion)

GIFTS, GRANTS AND BEQUESTS (continued)

Any gift of books and instructional materials shall be accepted only if they meet regular district criteria for selection of instructional materials.

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

All gifts, grants, and bequests shall become district property. Donors are encouraged to donate all gifts to the district rather than to a particular school. At the Superintendent or designee's discretion, a gift may be used at a particular school.

Note: Education Code 41030 allows districts to invest monies gifted to them when not immediately needed. Education Code 41031 requires that such funds be placed in a district special fund in the county treasury and designated as the Foundation Fund. Funds donated for specific purposes must be placed in a separate account in that fund. Boards that place money in a foundation fund pursuant to these laws must adopt related rules and regulations and appoint an advisory committee to advise the Board about investments to be made. (Education Code 41035-41038)

When any gift of money received by the district is not immediately used, it shall be placed in the county treasury in accordance with law. (Education Code 41030-41031)

The Superintendent or designee shall annually provide a report to the Board indicating the gifts, grants, and/or bequests received on behalf of the district in the preceding fiscal year. The report shall include a statement of account and expenditure of all gifts of money and an inventory of all gifts of physical assets.

(cf. 3440 - Inventories)

(cf. 3460 - Financial Reports and Accountability)

Appreciation

The Board may show appreciation for any donation to the district in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

(cf. 1150 - Commendations and Awards)

(cf. 7310 - Naming of Facility)

Corporate Sponsorship

Note: Pursuant to Education Code 35160, the Board is authorized to enter into an agreement with an outside entity including for-profit and nonprofit corporations. In exchange for funds, products, and services provided by such entities, the Board may allow them to advertise and/or promote their products and services within district buildings or facilities. The Board may set guidelines for entering into such agreements to ensure that they are limited to appropriate matters. Standards related to advertising and promotions are addressed in BP 1325 - Advertising and Promotion. The Board may revise the following optional section to ensure consistency with those standards.

GIFTS, GRANTS AND BEQUESTS (continued)

The Board may enter into an agreement or arrangement with an outside entity for the sponsorship of an educational, athletic, or other program or activity. When appropriate, the agreement may allow the outside entity to advertise or promote its business, product, or service in district publications or on district property or web sites.

(cf. 1113 - District and School Web Sites)

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

(cf. 3312 - Contracts)

Every sponsorship agreement shall be in writing and shall be approved by the Board. The Board shall ensure that the district's relationship and arrangement with the sponsor are consistent with the district's mission, values, and goals. Any advertising or promotional message, image, or other depiction to be used by the sponsor shall meet the standards set for commercial advertising on district property and in district-sponsored publications. No message, image, or other depiction that promotes the use of obscene language, pornography, alcohol, tobacco, or prohibited drugs or that advocates unlawful discrimination, use of violence, or the violation of law or district policy shall be allowed.

Each sponsorship agreement shall contain statements including, but not limited to:

1. The purpose of the relationship with the sponsor, details of the benefits to the district, and how the benefits will be distributed.
2. The duration of the agreement and the roles, expectations, rights, and responsibilities of the district and the sponsor, including whether and to what extent the sponsor is allowed to advertise or promote its products and/or services.
3. The authority of the Board to retain exclusive right over the use of the district's name, logo, and other proprietary information. The sponsor's use of such information shall require prior approval of the Board.
4. The authority of the Board to terminate the agreement without any penalty or sanction to the district if the sponsor's message, business, or product becomes inconsistent with district vision, mission, or goals or the sponsor engages in any prohibited activity.
5. The prohibition against the collection of students' personal information except as allowed by law.

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference: (see next page)

GIFTS, GRANTS AND BEQUESTS (continued)

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

35160 Powers and duties

35162 Power to sue, be sued, hold and convey property

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

41032 Authority of school board to accept gift or bequest; investments; gift of land requirements

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

41038 Applicability of other provisions of chapter

Management Resources:

WEB SITES

California Consortium of Education Foundations: <http://www.cceflink.org>

Center Joint Unified School District Board Policy

Gifts, Grants And Bequests

BP 3290

Business and Noninstructional Operations

The Governing Board may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

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

Before accepting a gift, the Board shall consider whether the gift:

1. Has a purpose consistent with the district's vision and philosophy
2. Begins a program which the Board would be unable to continue when the donated funds are exhausted
3. Entails undesirable or excessive costs
4. Implies endorsement of any business or product

(cf. 1325 - Advertising and Promotion)

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular district criteria.

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

All gifts, grants and bequests shall become district property. Donors are encouraged to donate all gifts to the district rather than to a particular school. At the Superintendent or designee's discretion, a gift may be used at a particular school.

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

- 35162 Power to sue, be sued, hold and convey property
- 41030 School district may invest surplus monies from bequest or gifts
- 41031 Special fund or account in county treasury
- 41032 Authority of school board to accept gift or bequest; investments; gift of land requirements
- 41035 Advisory committee
- 41036 Function of advisory committee
- 41037 Rules and regulations

Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: June 19, 1996 Antelope, 1996

Add

All Personnel

BP 4033(a)

LACTATION ACCOMMODATION

Note: The following optional policy may be revised to reflect district practice. Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express milk for their infant children. The Patient Protection and Affordable Care Act (P.L. 111-148, 2010) amended 29 USC 207 of the Fair Labor Standards Act (FLSA) to require employers to provide reasonable break time for nursing mothers, but applies only to employees who are not exempt from the overtime pay requirements of the FLSA (i.e., classified employees). State law (Labor Code 1030-1033) applies to all district employees. Where provisions of the two laws conflict, the statute providing greater protections for employees supersedes. The district should consult legal counsel if questions arise about the application of these laws to a particular employee.

The Fair Employment and Housing Commission has determined that, because breastfeeding is an activity intrinsic to females, termination of an employee because she was still breastfeeding after returning to work from pregnancy disability leave was sexual discrimination in violation of Government Code 12940 and 12945 (Chavez v. Acosta Tacos). Furthermore, pursuant to Labor Code 1033, violation of Labor Code 1030-1033 may result in a citation from the Labor Commissioner and/or a civil penalty.

The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express breast milk for her infant child while at work.

(cf. 4030 - *Nondiscrimination in Employment*)

(cf. 4031 - *Complaints Concerning Discrimination in Employment*)

Note: Although 29 USC 207 limits the length of time that a classified employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code 1030-1033 does not set a specific limit on the infant child's age and therefore provides greater benefits to employees.

The district shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

Note: Labor Code 1030 and 29 USC 207 do not require the district to compensate non-exempt employees for breaks taken for the purpose of expressing milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district chooses to provide compensation during extended break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to make up for any unpaid break time.

LACTATION ACCOMMODATION (continued)

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

Note: Labor Code 1031 requires the district to make reasonable efforts to provide an employee with the use of a private room or other location, except a toilet stall, in close proximity to the employee's work area, which may include the place where the employee normally works if the location otherwise meets legal requirements. 29 USC 207, applicable to classified employees, specifies that the location must be shielded from view and free from intrusion from coworkers and the public. A fact sheet issued by the U.S. Department of Labor's (DOL) Wage and Hour Division, Break Time for Nursing Mothers under the FLSA, clarifies that the location provided by the district could be a space temporarily created or converted into a space for expressing milk as long as it is functional and meets all requirements of law.

The DOL has preliminarily interpreted an employee's right to express milk for her infant child to include the ability to safely store the milk (75 Fed. Reg. 244, page 80076). According to the DOL, this might include providing access to a refrigerator or ice chest or allowing the employee to bring an insulated food container to work.

A fact sheet issued by the California Department of Public Health, Minimum Requirements of the California Lactation Accommodation Law, recommends that the location should have the following items: a comfortable chair, small table, electrical outlet, a sink with a safe water source, disinfectant dish soap, and paper towels.

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Note: Labor Code 1032 provides exceptions to the requirement for lactation accommodation when providing such accommodation would "seriously disrupt" district operations. "Serious disruption" is not defined in the law. 29 USC 207 provides exceptions when lactation accommodation would result in "undue hardship" based on significant difficulty or expense in relation to the size, financial resources, nature, or structure of the district. In this case, the exception is limited to districts with fewer than 50 employees and applies to classified employees only.

Regardless of the size of the district, the determination of serious disruption or undue hardship should be made on a case-by-case basis and only in limited, stringent circumstances. The burden of demonstrating why accommodation could not be made, even if on a temporary basis or for less time than requested, would likely fall to the district.

Lactation accommodations may be denied only in limited circumstances in accordance with law. (Labor Code 1032; 29 USC 207)

LACTATION ACCOMMODATION (continued)

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

Legal Reference: (see next page)

LACTATION ACCOMMODATION (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

GOVERNMENT CODE

12940 Discriminatory employment practices

12945 Discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1033 Lactation accommodation

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS

Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Rest Periods/Lactation Accommodation, Frequently Asked Questions

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Minimum Requirements of the California Lactation Accommodation Law

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Lactation Support Program Toolkit

FEDERAL REGISTER

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079

OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008

U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010

WEB SITES

California Department of Industrial Relations, Division of Labor and Standards Enforcement:
<http://www.dir.ca.gov/dlse>

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

California Women, Infants and Children: <http://www.wicworks.ca.gov>

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

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:
<http://www.dol.gov/whd/nursingmothers>

CERTIFICATION

Verification of Credentials

Note: The following **optional** section may be revised to reflect district practice. Education Code 44857 requires each person employed by the district in a position requiring certification qualifications to register a valid credential with the county office of education or with the district (if the district has an average daily attendance over 10,000), not later than 60 days after beginning employment in the district or not later than 60 days after renewing a credential.

The Commission on Teacher Credentialing (CTC) no longer provides credentials in a paper format. 5 CCR 80001 provides that the official record of a credential is information obtained from the CTC web site. If an applicant has indicated a county of employment on his/her application, the county office of education will receive a download of credential information for that applicant. For all other certificated staff, the district must obtain verification of their employees' certification through the CTC's online service and may print the displayed information.

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid credential or permit issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

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

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

(cf. 3580 - District Records)

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

Basic Skills Proficiency

Note: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has met the basic skills proficiency requirement or is exempted from the requirement by law. Pursuant to Education Code 44252, persons who have been granted a credential by the CTC generally have met the requirement as a condition of obtaining the credential. According to CTC leaflet CL-667, Basic Skills Requirement, the basic skills proficiency requirement also may be met by passage of the California Basic Educational Skills Test, California Subject Examinations for Teachers: Multiple Subjects Plus Writing Skills Examination, California State University Early Assessment Program, California State University Placement Examinations, or a basic skills examination from another state.

Education Code 44252 and 44830 describe circumstances under which certificated employees may be exempted from the basic skills proficiency requirement.

CERTIFICATION (continued)

The district shall not initially hire, on a permanent, temporary, or substitute basis, a certificated person seeking employment in the capacity designated in his/her credential unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

The district may hire a certificated teacher who has not taken a test of basic skills proficiency if he/she has not yet been afforded the opportunity to take the test. The employee shall take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by the CTC unless he/she has completed a basic skills proficiency test in another state or is otherwise exempted by law. An out-of-state prepared teacher applying to the CTC for a one-year nonrenewable credential pending completion of the basic skills requirement shall pass the district's basic skills proficiency test which is at least equivalent to the district test required for high school graduation. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.2 - Certificate of Proficiency)

(cf. 6162.5 - High School Exit Examination)

Note: Pursuant to Education Code 44252 and 44830, persons holding or applying for a designated subjects special subjects credential must be assessed with a district basic skills proficiency test, unless their credential requires possession of a bachelor's degree in which case they are required to meet the basic skills requirement. When such persons are employed by a consortium of districts or a joint powers agreement, the test may instead be established by the boards of those entities.

Any person holding or applying for a designated subjects special subjects credential which does not require possession of a bachelor's degree shall pass the district proficiency test in lieu of meeting the state basic skills requirement. (Education Code 44252, 44830)

Note: The following **optional** paragraph is for use by districts that choose to charge a fee for the locally developed test as allowed by Education Code 44252 and 44830.

The district shall charge a fee to cover the costs of developing, administering, and grading the district proficiency test.

Short-Term Staff Permit

Note: 5 CCR 80021 establishes the short-term staff permit (STSP) to immediately fill teacher vacancies based on unforeseen circumstances. Pursuant to 5 CCR 80021, the CTC will issue the STSP to an individual only once and for no more than one year, expiring at the end of the district's school year.

CERTIFICATION (continued)

The district may request that the CTC issue a short-term staff permit (STSP) to an applicant who meets the qualifications specified in 5 CCR 80021 whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

(cf. 4131 - Staff Development)

3. Written justification for the permit signed by the Superintendent or designee

Note: 5 CCR 80021 provides that a holder of the STSP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (multiple subject, single subject, education specialist). As amended by Register 2010, No. 43, 5 CCR 80021 provides that all STSPs will also include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed instruction in English (SDAIE); see AR 4112.22 - Staff Teaching English Language Learners. Upon request by the district and verification of the applicant's target-language proficiency, the STSP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language.

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

CERTIFICATION (continued)**Provisional Internship Permit**

Note: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms when appropriately credentialed teachers cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued in one-year increments for no more than two years and may not be renewed for a second year unless the permit holder has taken all of the subject-matter examinations listed on the permit.

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

(cf. 4111/4211/4311 - Recruitment and Selection)

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist the permit holder.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

CERTIFICATION (continued)

The district shall submit a copy of the agenda item presented at a public Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

Note: 5 CCR 80021.1 provides that a holder of the PIP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (multiple subject, single subject, education specialist). As amended by Register 2010, No. 43, 5 CCR 80021.1 provides that all PIPs will also include an English learner authorization allowing the holder to provide services in ELD or SDAIE; see AR 4112.22 - Staff Teaching English Language Learners. Upon request by the district and verification of the applicant's target-language proficiency, the PIP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Visiting Faculty Permits

Note: The following section is **optional**. Pursuant to Education Code 44300.1, the CTC may issue visiting faculty permits authorizing instruction in K-12 departmentalized classes to individuals who possess specified qualifications; verification of basic skills proficiency is not a requirement for this permit. Issuance of such a permit requires the employing district to provide the CTC with justification for the permit as provided below.

The district may request that the CTC issue a visiting faculty permit authorizing an individual to teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach

CERTIFICATION (continued)

Note: Pursuant to Education Code 44300.1, the district must submit a declaration of need as provided in item #2 below. According to CTC Coded Correspondence 07-23, the district should use the CTC form for Declaration of Need for Fully Qualified Educators. The Board's approval of the declaration must not be on the consent agenda and the motion must be entered in the minutes of the meeting; see the accompanying Board policy.

2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

Credential Waiver/Long-Term Emergency Permits

Note: Pursuant to Education Code 44225.7, the district may apply to the CTC for an emergency permit pursuant to Education Code 44300 or a credential waiver pursuant to Education Code 44225(m) when a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, is unavailable to the district. Emergency permits for multiple subject, single subject, and education specialist candidates were replaced with the STSP and PIP. However, CTC continues to offer the Emergency Resource Specialist Permit (5 CCR 80024.3.1), Emergency Teacher Librarian Services Permit (5 CCR 80024.6), Emergency Crosscultural, Language and Academic Development (CLAD) Permit (5 CCR 80024.8), and Emergency Bilingual Authorization Permit (formerly the Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit) (5 CCR 80024.7, as amended by Register 2010, No. 43).

In order to qualify for this waiver or permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an internship program or are scheduled to complete preliminary credential requirements within six months.

If a teacher who has completed a teacher preparation program is unavailable for an assignment, the district shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved internship program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by the district

If an individual who meets the criteria specified in item #1 or 2 above is not available to the district, the district may, as a last resort, request from the CTC a credential waiver or an emergency permit for the assignment of an individual who does not meet those criteria. (Education Code 44225.7; 5 CCR 80023-80023.2, 80026)

The district may request an emergency permit authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD), bilingual, or teacher librarian services.

CERTIFICATION (continued)

Note: As a condition of receiving a credential waiver or emergency permit, Education Code 44225.7 and 5 CCR 80023.2 and 80026 require the Board to annually certify that it has made reasonable efforts to recruit a fully prepared teacher. Pursuant to 5 CCR 80026, in the case of emergency permits, the Declaration of Need for Fully Qualified Educators must be approved by the Board at a regularly scheduled public Board meeting and cannot be on the consent agenda; see the accompanying Board policy.

In order to request an emergency permit, the district shall annually submit a Board-approved Declaration of Need for Fully Qualified Educators on a form provided by the CTC. The declaration shall include certification that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7; 5 CCR 80023.2, 80026)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation to teaching which, to the extent reasonably feasible, shall occur before he/she begins a teaching assignment. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

Emergency Substitute Teaching Permits

Note: The CTC issues emergency substitute permits that authorize service as a day-to-day substitute, including the (1) emergency 30-day substitute permit, (2) emergency career substitute teaching permit, (3) emergency substitute permit for prospective teachers, and (4) emergency substitute permit for career technical education. 5 CCR 80025-80025.5 specify restrictions pertaining to the number of days that each type of permit holder may substitute for any one teacher during the school year, as noted in items #1-4 below.

The district may employ for day-to-day substitute teaching, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person holding an emergency 30-day substitute permit, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)

CERTIFICATION (continued)

3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency substitute permit for career technical education shall teach only in a program of technical, trade, or vocational education and not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Note: 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to item #1 or 4 above. The CTC form for the Statement of Need may be found online at the Commission's Information Guide, which may be accessed only by employers.

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

Center Joint Unified School District

Administrative Regulation

Certification

AR 4112.2

Personnel

Registration

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the district a valid credential issued by the Commission on Teacher Credentialing (CTC) authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 42647, 44332.5, 44857)

Basic Skills Proficiency Test

The district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his/her credential unless that person has passed the California Basic Educational Skills Test (CBEST) in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

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

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

The district may hire a certificated teacher who has not taken the CBEST if he/she has not yet been afforded the opportunity to take the test. The employee shall take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results. (Education Code 44830)

An out-of-state prepared teacher shall complete the CBEST requirement within one year of being issued a California preliminary credential by the CTC unless he/she has completed a basic skills proficiency test in another state or is otherwise exempted by law. An out-of-state prepared teacher applying to the CTC for a one-year nonrenewable credential pending completion of the CBEST requirement shall pass the district's basic skills proficiency test which is at least equivalent to the district test required for high school graduation. (Education Code 44252, 44274.2)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.2 - Certificate of Proficiency)
(cf. 6162.5 - High School Exit Examination)

A person holding or applying for a designated subjects special subjects credential which does not require possession of a bachelor's degree shall pass the district proficiency test in lieu of the CBEST. (Education Code 44252, 44830)

The district shall charge a fee to cover the costs of developing, administering, and grading the district proficiency test.

Short-Term Staff Permit

The district may request that the CTC issue a short-term staff permit (STSP) to an applicant who meets the qualifications specified in 5 CCR 80021 whenever there is a need to immediately fill a classroom based on an acute staffing need, including, but not limited to, the following circumstances: (5 CCR 80021)

1. Enrollment adjustments require the addition of another teacher.
2. The teacher of record is unable to finish the school year due to approved leave or illness.
3. The applicant needs additional time to complete preservice requirements for enrollment into an approved internship program.

(cf. 4112.21 - Interns)

4. The applicant is unable to enroll in an approved internship program due to timelines or lack of space in the program.
5. A third-year extension of an internship program is unavailable or the applicant has withdrawn from an internship program.

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

(cf. 4131 - Staff Development)

3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

(cf. 4111/4211/4311 - Recruitment and Selection)

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist each permit holder.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the

agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Visiting Faculty Permits

The district may request that the CTC issue a visiting faculty permit authorizing an individual to teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach
2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

Credential Waiver/"Long-Term Substitute" Emergency Permits

If the district is unable to place at a school site a teacher who has completed a teacher preparation program, the district shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved internship program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by the district

If an individual who meets the criteria specified in item #1 or 2 above is not available to the district, the district may, as a last resort, request from the CTC a credential waiver or an emergency permit for the assignment of an individual who does not meet those criteria. (Education Code 44225.7; 5 CCR 80023, 80026)

The district may request an emergency permit authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD), Bilingual, Crosscultural, Language and Academic Development (BCLAD), or library media services.

In order to request an emergency permit, the district shall annually submit the Board-approved Declaration of Need for Fully Qualified Educators on a form provided by the CTC, including certification that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7; 5 CCR 80023, 80026)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation to teaching which shall, to the extent reasonably feasible, occur before he/she begins a teaching assignment. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

Emergency Substitute Teaching Permits

The district may employ for day-to-day substitute teaching, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person holding an emergency 30-day substitute permit, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency substitute permit for career technical education shall teach only in a program of technical, trade, or vocational education and not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: April 1, 2009 Antelope, California

STAFF TEACHING ENGLISH LANGUAGE LEARNERS

Note: A teacher who is assigned to provide English language development (ELD), specially designed academic instruction in English (SDAIE), and/or primary language instruction, as defined below, must hold an appropriate authorization from the Commission on Teacher Credentialing (CTC).

Education Code 44258.9 requires the County Superintendent of Schools to monitor district teacher assignments and vacancies and to investigate district efforts to ensure that a teacher in an assignment requiring authorization to teach English learners completes the necessary requirements. If a school is ranked in deciles 1-3 on the statewide Academic Performance Index, the County Superintendent must annually report on the appropriate English learner certification held by teachers in any class with at least 20 percent English learners. See BP 4113 - Assignment.

Definitions

English learner means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. (Education Code 306)

Instruction for English language development (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners. (Education Code 44253.2)

Primary language instruction includes both *primary language development* designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and *content instruction delivered in the primary language* in any subject area. (Education Code 44253.2)

(cf. 6174 - Education for English Language Learners)

Teacher Qualifications

Note: Education Code 44253.1-44253.11, related Title 5 regulations, and CTC leaflet CL-622, Serving English Learners, describe requirements pertaining to the qualifications of teachers of English learners.

It is the authorization listed on a document issued by the CTC, not the title of the document, which determines if and how an individual is authorized to serve English learners. Teacher preparation programs for multiple subject, single subject, and education specialist candidates now include embedded coursework that allows them to earn an English learner authorization (authorizing ELD and SDAIE instruction) or a bilingual authorization (authorizing ELD, SDAIE, and primary language instruction) directly on their

STAFF TEACHING ENGLISH LANGUAGE LEARNERS (continued)

teaching credential. A teacher also may qualify to provide ELD and SDAIE instruction by completing coursework and/or passing CTC-approved examinations leading to a Crosscultural, Language and Academic Development (CLAD) certificate. The CTC is no longer issuing new Bilingual, Crosscultural, Language and Academic Development (BCLAD) certificates, but current holders of valid BCLAD certificates may continue to provide ELD, SDAIE, and primary language instruction.

5 CCR 80021 and 80021.1, as amended by Register 2010, No. 43, provide that all Short-Term Staff Permits and Provisional Internship Permits will be issued with an English learner authorization, unless the district requests the bilingual authorization and the applicant verifies target-language proficiency. The CTC also may issue emergency CLAD and bilingual authorization permits pursuant to 5 CCR 80024.7-80024.8, as amended by Register 2010, No. 43. See AR 4112.2 - Certification.

The CTC's "Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California" clarifies that any teacher with one or more K-12 English learner students in his/her class is required to have an authorization for ELD and/or SDAIE, as appropriate. State law does not specify any exemption based on the number of English learners in a class, the type of class (e.g., elective), or type of setting (e.g., special education or career technical education).

The Superintendent or designee shall ensure that any teacher with one or more English learners in his/her class possesses an English learner authorization issued by the Commission on Teacher Credentialing (CTC) authorizing ELD and/or SDAIE, as appropriate. A teacher possessing a bilingual authorization may be assigned to provide ELD, SDAIE, and/or primary language instruction.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

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

(cf. 4113 - Assignment)

(cf. 4222 - Teacher Aides/Paraprofessionals)

A teacher with a designated subjects teaching credential or a service credential with a special class authorization may enroll in a CTC-approved staff development program and, upon successful completion, may apply to the CTC for a Certificate of Completion of Staff Development authorizing instruction in SDAIE. (Education Code 44253.11)

(cf. 4131 - Staff Development)

The Governing Board may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

STAFF TEACHING ENGLISH LANGUAGE LEARNERS (continued)*Legal Reference:*EDUCATION CODE306 *Definition, English learner*44253.1-44253.11 *Certification for bilingual-crosscultural competence*44258.9 *County superintendent review of teacher assignments*44259.5 *Standards for teachers of all students, including English language learners*44380-44386 *Alternative certification*44856 *Employment of teachers from foreign countries*52160-52178 *Bilingual-Bicultural Act of 1976*52180-52186 *Bilingual teacher training assistance program*62001-62005. 5 *Evaluation and sunseting of programs*99230-99242 *Mathematics and Reading Professional Development Program*CODE OF REGULATIONS, TITLE 56100-6125 *Teacher qualifications, No Child Left Behind Act*80015 *Requirements for the CLAD certification or English learner authorization*80015.1-80015.4 *Requirements for CLAD, English learner authorization or bilingual authorization*80021 *Short-Term Staff Permit*80021.1 *Provisional Internship Program*80024.7-80024.8 *Emergency CLAD and bilingual permits*UNITED STATES CODE, TITLE 206319 *Highly qualified teachers*6601-6651 *Training and recruiting high-quality teachers*6801-7014 *Language instruction for English learners and immigrant students*7801 *Definitions, highly qualified teacher*CODE OF FEDERAL REGULATIONS, TITLE 34200.55-200.57 *Highly qualified teachers*COURT DECISIONS*Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698**Management Resources:*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONSCL-622 *Serving English Learners, December 2010*CL-626B *Bilingual Authorizations, November 2010*CL-626C *Crosscultural, Language and Academic Development (CLAD) Certificate, November 2010*CL-568 *The Sojourn Certificated Employee Credential, August 2009*WEB SITESCSBA: <http://www.csba.org>California Association for Bilingual Education: <http://www.bilingualeducation.org>California Department of Education, English Learners: <http://www.cde.ca.gov/sp/el>California Teachers of English to Speakers of Other Languages: <http://www.catesol.org>Commission on Teacher Credentialing: <http://www.ctc.ca.gov>U.S. Department of Education: <http://www.ed.gov>

Center Joint Unified School District

Administrative Regulation

Staff Teaching Students Of Limited English Proficiency

AR 4112.22 4212.22
Personnel

Definitions

Instruction for English language development (ELD) means instruction designed specifically for limited-English-proficient students to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of limited-English-proficient students. (Education Code 44253.2)

Content instruction delivered in the primary language means instruction in a subject area delivered in the primary language of the student. (Education Code 44253.2)

Teacher Qualifications

The Superintendent or designee shall ensure that a teacher providing instruction for ELD, SDAIE, and/or content instruction in any student's primary language possesses the appropriate authorization issued by the Commission on Teacher Credentialing (CTC).

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4113 - Assignment)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 6174 - Education for English Language Learners)

The Governing Board shall make reasonable efforts to assign teachers with appropriate ELD authorizations to those students who need ELD instruction. However, a teacher awarded a Certificate of Completion of Staff Development for SDAIE pursuant to Education Code 44253.11 shall be considered certified and competent to provide ELD instruction. (Education Code 44253.11)

(cf. 4131 - Staff Development)

A teacher may be provisionally assigned to provide instruction for ELD or SDAIE during the period that he/she is pursuing training to complete a Certificate of Completion of

Staff Development pursuant to Education Code 44253.10 or 44253.11.

Legal Reference:

EDUCATION CODE

44253.1-44253.11 Certification for bilingual-crosscultural competence

44258.9 County superintendent review of teacher assignment

44259.5 Standards for teachers of all students, including English language learners

44380-44386 Alternative certification

52052 Adequate yearly progress

52160-52178 Bilingual-Bicultural Act of 1976

52180-52186 Bilingual teacher training assistance program

62001-62005. 5 Evaluation and sunseting of programs

99230-99242 Mathematics and Reading Professional Development Program

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

80016 Certificate of completion of staff development to teach English learners

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6651 Training and recruiting high-quality teachers

6801-7014 Language instruction for English learners and immigrant students

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

COURT DECISIONS

Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Languages Other than English Single Subject Matter Standards for the Single Subject Teaching Credential, May 2004

CL-622 Serving English Learners, April 2006

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

06-0020 Implementation of Senate Bill 1292 regarding options to earn an English learner authorization, December 13, 2006

04-0001 Clarification of authorizations to teach English learners, January 12, 2004

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance, rev. January 16, 2004

WEB SITES

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

California Association for Bilingual Education: <http://www.bilingualeducation.org>

California Department of Education, English Learners: <http://www.cde.ca.gov/sp/el>

California Teachers of English to Speakers of Other Languages: <http://www.catesol.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

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

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: June 20, 2007 Antelope, California

STUDENT WELLNESS

Note: The Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) repealed 42 USC 1751 Note and added 42 USC 1758b which mandates each district participating in the National School Lunch Program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education and Activity, and BP/AR 6142.8 - Comprehensive Health Education.

Although the district has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, the U.S. Department of Agriculture (USDA) is required to develop regulations that provide a framework and guidelines to assist districts in establishing their student wellness policies and to provide technical assistance through the Centers for Disease Control and Prevention (CDC). Currently the USDA and CDC provide resources and implementation tools on their web sites. In addition, CSBA's Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy.

The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) Health Framework for California Public Schools and may be revised to reflect district practice.

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education and activity, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

STUDENT WELLNESS (continued)

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

School Health Council/Committee

Note: 42 USC 1758b, as added by P.L. 111-296, requires that specified stakeholders be permitted to participate not only in the development of the district's wellness policy, but also in its implementation and periodic review and update. The list of stakeholders has been expanded to include physical education teachers and school health professionals.

One method to achieve continuing involvement of those groups and other key stakeholders could be through the creation of a school health council, as recommended in the CDE's Health Framework for California Public Schools. Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act); see AR 1220 - Citizen Advisory Committees.

The Superintendent or designee shall permit parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b)

Note: The remainder of this section is **optional** and may be revised to reflect district practice.

To fulfill this requirement, the Superintendent or designee may appoint a school health council or other district committee whose membership shall include representatives of these groups. He/she also may invite participation of other groups or individuals, such as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The school health council/committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council/committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

STUDENT WELLNESS (continued)

Nutrition and Physical Activity Goals

Note: 42 USC 1758b, as added by P.L. 111-296, mandates that the district's wellness policy include goals for nutrition education and physical activity, as specified below.

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. (42 USC 1758b)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

The district's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

(cf. 5148.2 - Before/After School Programs)

(cf. 6142.8 - Comprehensive Health Education)

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.

(cf. 1325 - Advertising and Promotion)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

STUDENT WELLNESS (continued)

(cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

(cf. 1330.1 - Joint Use Agreements)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Nutritional Guidelines for Foods Available at School

Note: 42 USC 1758b, as added by P.L. 111-296, mandates that the district's wellness policy include nutritional guidelines, as specified below. P.L. 111-296 repealed the separate requirement that mandated the district's policy to include guidelines for federally reimbursable meals, but now requires that the guidelines for all foods available at school must be consistent with 42 USC 1773 and 1779. Nutritional standards are described in AR 3550 - Food Service/Child Nutrition Program and AR 3554 - Other Food Sales.

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs. Nutritional standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)

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

(cf. 3554 - Other Food Sales)

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

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

STUDENT WELLNESS (continued)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

Program Implementation and Evaluation

The Superintendent shall designate one or more district or school employees, as appropriate, to ensure that each school site complies with this policy. (42 USC 1758b)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

Note: 42 USC 1758b, as added by P.L. 111-296, requires that the district periodically provide an assessment of the implementation of the wellness policy, including comparison of the district's policy with model wellness policies. 42 USC 1758b requires the USDA to provide model policies and best practices recommended by federal and state agencies and nongovernmental organizations; see the USDA's web site.

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

Note: Items #1-9 below are **optional** and should be revised to reflect district practice. CSBA's publication Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide provides additional suggestions for fulfilling the Board's monitoring responsibility, including possible data sources.

STUDENT WELLNESS (continued)

To determine whether the policy is being effectively implemented districtwide and at each district school, the following indicators shall be used:

1. Descriptions of the district's nutrition education, physical education, and health education curricula by grade level
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs, compared to percentage of students eligible for free and reduced-price meals
7. Number of sales of non-nutritious foods and beverages in fundraisers or other venues outside of the district's meal programs
8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons
9. Any other indicators recommended by the Superintendent and approved by the Board

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Note: Education Code 49432 authorizes, but does not require, schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is optional .
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Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference: (see next page)

STUDENT WELLNESS (continued)

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education
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
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51796.5 School instructional gardens
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:
1758b Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007
Physical Education and California Schools, Policy Brief, rev. October 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

Management Resources continued: (see next page)

STUDENT WELLNESS (continued)

Management Resources: (continued)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

Healthy Children Ready to Learn: A White Paper on Health, Nutrition, and Physical Education, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, 2005

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.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>

Center for Collaborative Solutions: <http://www.ccscenter.org>

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

Dairy Council of California: <http://www.dairycouncilofca.org>

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

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

National School Boards Association: <http://www.nsba.org>

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

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

Center Joint Unified School District

Board Policy

Student Wellness

BP 5030

Students

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

- (cf. 3513.3 - Tobacco-Free Schools)
- (cf. 3514 - Environmental Safety)
- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5131.61 - Drug Testing)
- (cf. 5131.62 - Tobacco)
- (cf. 5131.63 - Steroids)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.27 - Food Allergies/Special Dietary Needs)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)
- (cf. 5141.32 - Health Screening for School Entry)
- (cf. 5141.6 - Student Health and Social Services)
- (cf. 5142 - Safety)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
- (cf. 6164.2 - Guidance/Counseling Services)

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

- (cf. 1113 - District and School Web Sites)
- (cf. 6020 - Parent Involvement)

School Health Council/Committee

The Superintendent or designee may appoint a school health council or other committee consisting of parents/guardians, students, food service employees, district and school site administrators, Board representatives, health professionals, school nurses, health educators, physical education teachers, counselors, members of the public, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The school health council or committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the council's charge(s) may include the planning and implementation of activities to promote health within the school or community.

Nutrition Education and Physical Activity Goals

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines appropriate. (42 USC 1751 Note)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

The district's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Nutrition education shall be provided as part of the health education program in grades K-12 and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

(cf. 5148.2 - Before/After School Programs)

(cf. 6142.8 - Comprehensive Health Education)

All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and/or after-school programs, and other structured and unstructured activities.

(cf. 6142.7 - Physical Education)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

(cf. 1325 - Advertising and Promotion)

Nutritional Guidelines for Foods Available at School

The Board shall adopt nutritional guidelines for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC 1751 Note)

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)

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

(cf. 3554 - Other Food Sales)

(cf. 5148 - Child Care and Development)

(cf. 6300 - Preschool/Early Childhood Education)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages

that do not meet nutritional standards to no more than one such food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

(cf. 3553 - Free and Reduced Price Meals)

Program Implementation and Evaluation

The Board shall establish a plan for measuring implementation of this policy. The Superintendent shall designate at least one person within the district and at each school who is charged with operational responsibility for ensuring that each school site implements this policy. (42 USC 1751 Note)

(cf. 0500 - Accountability)

To determine whether the policy is being effectively implemented districtwide and at each district school, the following indicators shall be used:

1. Descriptions of the district's nutrition education, physical education, and health education curricula
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs
7. Any sales of non-nutritious foods and beverages in fundraisers or other venues outside of the district's meal programs
8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons

9. Any other indicators recommended by the Superintendent and approved by the Board

The Superintendent or designee shall report to the Board at least every two years on the implementation of this policy and any other Board policies related to nutrition and physical activity.

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas.
(Education Code 49432)

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education
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
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51796.5 School instructional gardens
51880-51921 Comprehensive health education
CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 42
1751-1769 National School Lunch Program, especially:
1751 Note Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
COURT DECISIONS
Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

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

Food Safety Requirements, Fact Sheet, October 2007

Physical Education and California Schools, Policy Brief, rev. October 2007

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

Promoting Oral Health for California's Students: New Roles, New Opportunities for
Schools, Policy Brief, March 2007

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

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards,
Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve,
2003

Physical Education Framework for California Public Schools, Kindergarten Through
Grade 12, 1994

CALIFORNIA PROJECT LEAN PUBLICATIONS

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

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and
Planning Guide for Elementary and Middle/High Schools, 2004

Making It Happen: School Nutrition Success Stories, 2005

**NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION
PUBLICATIONS**

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School
Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.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>
Dairy Council of California: <http://www.dairycouncilofca.org>
National Alliance for Nutrition and Activity:
<http://www.cspinet.org/nutritionpolicy/nana.html>
National Association of State Boards of Education: <http://www.nasbe.org>
National School Boards Association: <http://www.nsba.org>
School Nutrition Association: <http://www.schoolnutrition.org>
Society for Nutrition Education: <http://www.sne.org>
U.S. Department of Agriculture, Food Nutrition Service, wellness policy:
http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: February 20, 2008 Antelope, California

Delete

Center Joint Unified School District Board Policy

Safety

BP 5142.1

Students

District personnel, including but not limited to teachers, administrators, school aides, school playground workers and school bus drivers, are encouraged to report missing children to a law enforcement agency in a timely manner in order to provide those children a necessary level of protection.

Legal Reference:

EDUCATION CODE

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

**Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: December 6, 2000 Antelope, California**

IDENTIFICATION AND REPORTING OF MISSING CHILDREN

Notices of Missing Children

Note: Pursuant to Education Code 38139, schools are required to post a poster issued each month by the Department of Justice (DOJ) which contains photographs and information on up to six children reported missing. The poster is available on the DOJ's web site.

Every school shall post in an appropriate area the monthly poster on missing children provided by the Department of Justice (DOJ). For elementary schools, the poster shall be posted in an area restricted to adults. (Education Code 38139; Penal Code 14208)

Note: The following paragraph is **optional**. Education Code 49068.5 encourages, but does not require, elementary school principals to review a quarterly missing person bulletin produced by the DOJ whenever a new student enrolls or transfers into the district. The bulletin is available on the DOJ's web site.

Whenever a new student enrolls or transfers into an elementary school in the district, the principal or designee is encouraged to review the missing person bulletins provided by the DOJ to determine if the student resembles a child listed as missing. (Education Code 49068.5)

(cf. 5111 - Admission)

Note: The following paragraph is **optional**. The "Amber Alert" system uses radio, television, the Internet, and highway information signs to provide the public with information needed to locate abducted children. Cell phone users also may sign up to receive Amber Alert notifications via text messages. Further information is available on the web site of the California Highway Patrol.

School staff are also encouraged to monitor "Amber Alerts" issued by law enforcement agencies in serious, time-critical child abduction cases.

Note: Education Code 49068.6 requires the law enforcement agency responsible for the investigation of a missing child to inform the school in which the child is enrolled. The notice must be in writing, include a photograph if available, and be given within 10 days of the child's disappearance. Upon being so notified, the school must take the actions specified in the following paragraph.

If a law enforcement agency notifies the district that a child enrolled in the district has been reported missing, the principal or designee of the school in which the child is enrolled shall place a notice on the front of the child's school record indicating that he/she has been reported missing. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement agency that informed the school of the missing child's status. (Education Code 49068.6)

(cf. 5125 - Student Records)

IDENTIFICATION AND REPORTING OF MISSING CHILDREN (continued)

Reporting Missing Children

Any district employee who recognizes a child who has been reported missing through a DOJ notice, an Amber Alert, or other means shall immediately notify law enforcement using the hotline telephone number listed.

In the event that a district employee witnesses a child abduction, he/she shall immediately contact law enforcement and provide the agency with information on the location of the abduction and a description of the victim, the suspect, and any vehicle involved. He/she shall also notify the Superintendent or designee who shall implement steps, as needed, to ensure the safety of other students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5142 - Safety)

Fingerprinting Program

Note: The following optional section is for use by districts that elect, pursuant to Education Code 32390, to offer a voluntary fingerprinting program for those students enrolled in kindergarten and newly enrolled in the district.

The district may offer a voluntary fingerprinting program for all entering kindergarten students and for all students newly enrolled in the district. The district may contract with any public or private agency, including any appropriate civic or community organization, and/or may seek to obtain private funding and volunteer assistance to perform the fingerprinting. (Education Code 32390; 5 CCR 640)

(cf. 1240 - Volunteer Assistance)
(cf. 3312 - Contracts)

Students shall not be fingerprinted without parent/guardian consent. At the time of students' enrollment in the district, the Superintendent or designee shall notify the parents/guardians of the availability of the voluntary fingerprinting program and ask them to declare, in writing, whether or not they want their child to participate. At the same time, the Superintendent or designee shall notify parents/guardians in writing that they may reverse their declaration on fingerprinting in writing at any time. (Education Code 32390)

(cf. 5145.6 - Parental Notifications)

Parents/guardians of students who consent to the fingerprinting shall be charged a fee calculated to reimburse the district only for actual costs associated with the program. (Education Code 32390)

(cf. 3260 - Fees and Charges)

IDENTIFICATION AND REPORTING OF MISSING CHILDREN (continued)

Note: Standards for fingerprinting services are detailed in 5 CCR 641. These standards include, but are not limited to, the use of Department of Justice fingerprint forms, fingerprint equipment, and training in the taking of the fingerprints.

Fingerprint services shall be provided in accordance with the standards specified in 5 CCR 641.

Any report or document containing a student's fingerprints shall be given to the parents/guardians. It may be given with the child's report card or any other document routinely mailed to parents/guardians, or may be given in person at any parent-teacher conference. No report or document containing a student's fingerprints shall be kept by the district or given to any other private or public entity. (Education Code 32390)

(cf. 5022 - Student and Family Privacy Rights)

Legal Reference:

EDUCATION CODE

32390 Voluntary program for fingerprinting students

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

PENAL CODE

14200-14213 Violent crime information center

CODE OF REGULATIONS, TITLE 5

640-641 Student fingerprinting program

Management Resources:

WEB SITES

California Department of Justice, Missing Persons: <http://oag.ca.gov/missing>

California Highway Patrol, Amber Alert: <http://www.chp.ca.gov/amber>

National Center for Missing and Exploited Children: <http://www.missingkids.com>

Center Joint Unified School District

Administrative Regulation

Identification And Reporting Of Missing Children

AR 5142.1
Students

Notices About Missing Children

Every school shall post in an appropriate area information provided by the Department of Justice on missing children. For elementary schools, such information shall be posted in an area restricted to adults. (Education Code 38139)

Elementary school principals are urged to review missing children's pictures whenever a new student enrolls or transfers into the school. (Education Code 49068.5)

(cf. 5111 - Admission)
(cf. 5118 - Transfers)

If a school receives notice from a law enforcement agency that a child enrolled in that school has been reported missing, the principal or designee shall place a notice that the child has been reported missing on the front of the child's school record. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement authorities who informed the school of the missing child's status. (Education Code 49068.6)

(cf. 5125 - Student Records)

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: December 6, 2000 Antelope, California

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

Note: The following policy is **optional** and should be modified to reflect district practice. The policy applies only to questioning of students by law enforcement and does not apply to questioning by school resource officers or district personnel in connection with school discipline issues. In addition, this policy does not apply to the interviewing of suspected child abuse victims by a child protective agency representative not accompanied by law enforcement; see AR 5141.4 - Child Abuse Prevention and Reporting. For searches of students and/or their belongings, see BP/AR 5145.12 - Search and Seizure.

California Attorney General opinions have long recognized law enforcement's authority to question students (a "seizure") at school without parental consent and required school officials to avoid interfering with law enforcement investigations. However, the courts have yet to provide clear guidance on this issue. In 2009, the 9th Circuit Court of Appeals had ruled in Greene v. Camreta that, absent exigent circumstances, a social worker and sheriff could not question a student in school without obtaining a warrant, court order, or parent/guardian consent. That ruling was vacated by the U.S. Supreme Court on appeal. Because of this lack of clear guidance, districts should proceed with caution and consult with legal counsel as necessary.

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.12 - Search and Seizure)

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

Note: The following paragraph is **optional**. Though required to cooperate with law enforcement officers when they come on campus to interview students, to avoid liability school officials must exercise caution to ascertain the identity of any such law enforcement officer, his/her official capacity, and the authority under which he/she acts.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT (continued)

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Subpoenas

<p>Note: Penal Code 1328 requires that the serving of a subpoena on a minor in a criminal action must be made by delivering a copy of the subpoena to the minor's parent/guardian, conservator, or similar fiduciary. If one of those individuals cannot be located with reasonable diligence, the subpoena may be served on a minor age 12 or older.</p>

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Legal Reference: (see next page)

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT (continued)

Legal Reference:

EDUCATION CODE

44807 *Duty concerning conduct of pupils*

48264 *Arrest of truants*

48265 *Delivery of truant*

48902 *Notice to law enforcement authorities*

48906 *Release of minor pupil to peace officers; notice to parent, guardian*

48909 *Narcotics and other hallucinogenic drugs (re arrest)*

CODE OF CIVIL PROCEDURE

416.60 *Service of summons or complaint to a minor*

PENAL CODE

830-832.17 *Peace officers*

1328 *Service of subpoena*

WELFARE AND INSTITUTIONS CODE

627 *Custody of minor*

CODE OF REGULATIONS, TITLE 5

303 *Duty to remain at school*

COURT DECISIONS

Camreta v. Greene, (2011) 131 S.Ct. 2020

People v. Lessie, (2010) 47 Cal. 4th 1152

In re William V., (2003) 111 Cal.App.4th 1464

ATTORNEY GENERAL OPINIONS

54 *Ops.Cal.Atty.Gen.* 96 (1971)

34 *Ops.Cal.Atty.Gen.* 93 (1959)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General: <http://oag.ca.gov>

Center Joint Unified School District Board Policy

Questioning And Apprehension By Law Enforcement

BP 5145.11

Students

The Governing Board is committed to providing a safe learning environment and cooperating with law enforcement officials and peace officers as necessary to help ensure the safety of students, staff, and the community and in carrying out their official duties.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.12 - Search and Seizure)

In accordance with standards specified in law and court decisions, law enforcement officers may interview and question students on school premises. The Superintendent or designee shall collaborate with local law enforcement agencies to develop parameters under which law enforcement officers will interview students at school.

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

When any law enforcement official requests an interview with a student, the principal or designee shall request that the official provide verification of his/her identity and official capacity and certify the legal authority under which the interview is being conducted. If the officer refuses to provide certification of the legal authority for the interview, the principal or designee shall document such refusal and should consult with district legal counsel, as appropriate, before allowing the interview to proceed. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption for the student and school, gives the student appropriate privacy, and models exemplary cooperation with law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after law enforcement has interviewed the student on school premises.

At law enforcement's discretion and with the student's approval, the principal or designee may be present during the interview.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take all reasonable steps to ensure a minimum of embarrassment or loss of class time for the student.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law enforcement authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian

48909 Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

416.60 Service of summons or complaint to a minor

PENAL CODE

830-832.17 Peace officers

1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE

627 Custody of minor

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

COURT DECISIONS

People v. Lessie, (2010) 47 Cal. 4th 1152

Greene v. Camreta, (2009, 9th Cir.) 588 F.3d 1011

In re William V., (2003) 111 Cal.App.4th 1464

ATTORNEY GENERAL OPINIONS

54 Ops.Cal.Atty.Gen. 96 (1971)

34 Ops.Cal. Atty.Gen. 93 (1959)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General: <http://caag.state.ca.us>

Policy CENTER UNIFIED SCHOOL DISTRICT
adopted: June 16, 2010 Antelope, California

Delete

Center Joint Unified School District Exhibit

Questioning And Apprehension By Law Enforcement

E 5145.11

Students

QUESTIONING OF STUDENTS BY LAW ENFORCEMENT

Instructions to law enforcement: In response to the decision of the 9th Circuit Court of Appeals in *Greene v. Camreta*, the Center Joint Unified School District requests that law enforcement officials provide the information below prior to interviewing a district student on school grounds as part of an investigation. Failure to provide this information or satisfy the criteria below may result in the principal or designee's refusal to allow the interview to proceed. Your cooperation is appreciated.

Please indicate, by checking the box below, the authority upon which this student interview is based:

- ☐ Parent/guardian consent
- ☐ Court order or warrant
- ☐ Exigent circumstances

Name of Interviewer and Badge Number

Student's Name

Interviewer Signature Date of Interview

Name of Agency

Name of School Official Receiving Form

ExhibitCENTER UNIFIED SCHOOL DISTRICT
version: June 16, 2010 Antelope, California

CHILD CARE AND DEVELOPMENT

Note: The following policy is for use by districts that operate child care and development services through a contract with the California Department of Education (CDE). The Child Care and Development Services Act (Education Code 8200-8499.10) establishes a variety of child care programs that may be offered by districts or other local providers. These include, but are not limited to, general child care and development programs, resource and referral programs, alternative payment programs, and child care and development services for migrant children and children with special needs. The district may revise the following policy to reflect the program(s) offered by the district and to ensure its compliance with the terms of its contract(s) with the CDE.

For requirements pertaining to before- and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.6) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), see BP/AR 5148.2 - Before/After School Programs. The California State Preschool Program (Education Code 8235-8239) for children ages 3-4 is addressed in BP/AR 5148.3 - Preschool/Early Childhood Education. In addition, the California School Age Families Education (Cal-SAFE) program for pregnant and parenting students (Education Code 54740-54749) requires participating districts to make child care and development services available to the children of teen parents enrolled in the program; see AR 5148.1 - Child Care Services for Parenting Students.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6175 - Migrant Education Program)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 8499.3 establishes county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policy to meet identified needs.

The Superintendent or designee shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and inform parents/guardians about child care options.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

The Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

CHILD CARE AND DEVELOPMENT (continued)

Note: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve a written philosophical statement, goals, and objectives for the district's child care and development program that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

As needed, the Superintendent or designee may identify district facilities that have capacity to provide child care and development services and/or may recommend that the Board enter into an agreement with a public agency or community organization to use community facilities for the purpose of providing such services.

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

Note: 5 CCR 18105 mandates that the district develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

SB 70 (Ch. 7, Statutes of 2011) had amended Education Code 8208 and 8263.4 to lower the age of children eligible to be served by state-funded child care and development programs to age 10 years or younger, with specified exceptions. However, AB 114 (Ch. 43, Statutes of 2011) subsequently amended these laws to revert to the previous age limit of age 12 years or younger, except that students with disabilities may be served through age 21.

Admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement. (5 CCR 18105; 22 CCR 101218)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: Education Code 8263 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care and development services, as provided below and in the accompanying administrative regulation.

CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

Note: The following paragraph is **optional** and may be revised to reflect any district-established priorities for nonsubsidized services.

When all families eligible for subsidized services have been served, priority for admissions shall be given to district students and children of district employees.

(cf. 5111.1 - District Residency)

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Education Code 8360-8370 and 5 CCR 80105-80125.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4312.5 - Criminal Record Check)
(cf. 4131 - Staff Development)
(cf. 4212.5 - Criminal Record Check)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Note: 5 CCR 18279-18281 require child care and development programs to be evaluated through the CDE's standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale using instruments selected by the CDE; see the accompanying administrative regulation. The annual report submitted to the CDE also must include an action plan presented on the appropriate CDE form.

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

Legal Reference: (see next page)

CHILD CARE AND DEVELOPMENT (continued)*Legal Reference:***EDUCATION CODE**

8200-8499.10 *Child Care and Development Services Act, especially:*
 8200-8209 *General provisions for child care and development services*
 8210-8216 *Resource and referral program*
 8220-8226 *Alternative payment program*
 8230-8233 *Migrant child care and development program*
 8235-8239 *California state preschool program*
 8240-8244 *General child care programs*
 8250-8252 *Programs for children with special needs*
 8263 *Eligibility and priorities for subsidized child development services*
 8278.3 *Child Care Facilities Revolving Fund*
 8360-8370 *Personnel qualifications*
 8400-8409 *Contracts*
 8482-8484.6 *After-school education and safety program*
 8484.7-8484.8 *21st Century community learning centers*
 8493-8498 *Facilities*
 8499-8499.7 *Local planning councils*
 17609-17610 *Integrated pest management, applicability to child care facilities*
 49540-49546 *Child care food program*
 49570 *National School Lunch program*
 54740-54749.5 *Cal-SAFE program for pregnant/parenting students and their children*
 56244 *Staff development funding*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*
 1596.90-1597.21 *Day care centers*
 120325-120380 *Immunization requirements*

CODE OF REGULATIONS, TITLE 5

18000-18434 *Child care and development programs, especially:*
 18012-18122 *General requirements*
 18180-18192 *Federal and state migrant programs*
 18210-18213 *Severely handicapped program*
 18220-18231 *Alternative payment program*
 18240-18248 *Resource and referral program*
 18270-18281 *Program quality, accountability*
 18290-18292 *Staffing ratios*
 18295 *Waiver of qualifications for site supervisor*
 18300-18308 *Appeals and dispute resolution*
 80105-80125 *Commission on Teacher Credentialing, child care and development permits*

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, especially:*
 101151-101163 *Licensing and application procedures*
 101212-101231 *Continuing requirements*
 101237-101239.2 *Facilities and equipment*

UNITED STATES CODE, TITLE 42

1751-1769 *School lunch programs*
 9831-9852 *Head Start programs*
 9858-9858q *Child care and development block grant*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch program*

Legal Reference continued: (see next page)

CHILD CARE AND DEVELOPMENT (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 *Child care and development fund*

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)

91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010

Infant/Toddler Learning and Development Program Guidelines, 2006

Program Quality Standards and Standards Based on Exemplary Practice for Center-Based Programs and Family Child Care Home Networks, October 2004

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

01-06 The Desired Results for Children and Families System, May 31, 2001

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Child Development: <http://www.cde.ca.gov/sp/cd>

California Department of Social Services, Licensing Information: <http://ccld.ca.gov/PG492.htm>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

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

Center Joint Unified School District

Board Policy

Child Care And Development

BP 5148

Students

The Governing Board desires to provide child care and development services which meet the developmental needs of children, provide an opportunity for parenting students to receive assistance while continuing their education, and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5148.1 - Child Care Services for Parenting Students)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and inform parents/guardians about child care options.

(cf. 1020 - Youth Services)

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

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

The Board shall approve a written philosophical statement, goals, and objectives for the district's child care and development program that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

Admissions policies and procedures shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement. (5 CCR 18105; 22 CCR 101218)

To the extent possible, child care and development services may be made available during the noninstructional school day, before and after normal school hours, during

school vacations and intersessions, and on weekends to meet community needs for extended service.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

These services shall be available to infants and children up to age 13.

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

In addition to priorities for subsidized services, priority for admissions shall be given to district students and children of district employees.

(cf. 5111.1 - District Residency)

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

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

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4212.5 - Criminal Record Check)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall develop and implement an annual plan for evaluation of the district's child care services which conforms to state requirements. Based on the results of the evaluation, the program shall be modified as necessary to address any areas identified as needing improvement. (5 CCR 18279)

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

8200-8499.10 Child Care and Development Services Act, including:

8200-8209 General provisions for child care and development services

8210-8216 Resource and referral program

8220-8226 Alternative payment program

8230-8233 Migrant child care and development program
 8235-8239 California state preschool program
 8240-8244 General child care programs
 8250-8252 Programs for children with special needs
 8263 Eligibility and priorities for subsidized child development services
 8360-8370 Personnel qualifications
 8400-8409 Contracts
 8482-8484.6 After-school education and safety program
 8484.7-8484.8 21st Century community learning centers
 8485-8488 Child supervision programs
 8493-8498 Facilities
 8499-8499.7 Local planning councils
 17609-17610 Integrated pest management, applicability to child care facilities
 49540-49546 Child care food program
 49570 National School Lunch program
 54740-54749.5 Cal-SAFE program for pregnant/parenting students and their children
 56244 Staff development funding
HEALTH AND SAFETY CODE
 1596.70-1596.895 California Child Day Care Act
 1596.90-1597.21 Day care centers
 120325-120380 Immunization requirements
CODE OF REGULATIONS, TITLE 5
 18000-18434 Child care and development programs, especially:
 18012-18122 General requirements
 18180-18192 Federal and state migrant programs
 18200-18207 School-age community child care services program
 18210-18213 Severely handicapped program
 18220-18231 Alternative payment program
 18240-18248 Resource and referral program
 18270-18281 Program quality, accountability
 18290-18292 Staffing ratios
 18295 Waiver of qualifications for site supervisor
 18300-18308 Appeals and dispute resolution
CODE OF REGULATIONS, TITLE 22
 101151-101239.2 General requirements, licensed child care centers, including:
 101151-101163 Licensing and application procedures
 101212-101231 Continuing requirements
 101237-101239.2 Facilities and equipment
UNITED STATES CODE, TITLE 42
 1751-1769 School lunch programs
 9831-9852 Head Start programs
 9858-9858q Child care and development block grant
CODE OF FEDERAL REGULATIONS, TITLE 7
 210.1-210.31 National School Lunch program
CODE OF FEDERAL REGULATIONS, TITLE 45
 98.2-98.93 Child care and development fund

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Infant/Toddler Learning and Development Program Guidelines, 2006

Program Quality Standards and Standards Based on Exemplary Practice for Center-Based Programs and Family Child Care Home Networks, October 2004

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

01-06 The Desired Results for Children and Families System, May 31, 2001

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Child Development Permit Professional Growth Manual, July 2008

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Good Start, Grow Smart, April 2002

America's Families, September 2000

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Department of Education, Child Development: <http://www.cde.ca.gov/sp/cd>

California Department of Social Services: <http://www.cdss.ca.gov>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

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

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: June 3, 2009 Antelope, California

CHILD CARE AND DEVELOPMENT

Note: The following administrative regulation is for use by districts that operate child care and development services through a contract with the California Department of Education (CDE) and reflects provisions generally applicable to programs under the Child Care and Development Services Act (Education Code 8200-8499.7). The district may revise this regulation to reflect specific requirements for the program(s) it offers. Also see AR 5148.1 - Child Care Services for Parenting Students for child care requirements pertaining to the California School Age Families Education (Cal-SAFE) program for pregnant and parenting students (Education Code 54740-54749); BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.6) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8); and BP/AR 5148.3 - Preschool/Early Childhood Education for requirements pertaining to the California State Preschool Program (Education Code 8235-8239).

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to reflect the mandates, if any, applicable to the program(s) it offers. For example, 5 CCR 18221 mandates a written policy statement for alternative payment programs that includes specified components, including, but not limited to, program purpose, enrollment priorities, reimbursement of providers, and parent fee collection. For resource and referral programs, 5 CCR 18244 mandates written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual. For example, see AR 3514.2 - Integrated Pest Management, BP/AR 1240 - Volunteer Assistance, and food safety standards and nutrition requirements in BP/AR 3550 - Food Service/Child Nutrition Program. Districts should consult legal counsel if they have questions regarding the applicability of other laws to the district's programs.

Licensing

Note: Pursuant to 22 CCR 101156, all child care centers must be licensed by the California Department of Social Services unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from licensure requirements which include, but are not limited to, exemptions for any program that (1) is a "public recreation program" that meets specified criteria; (2) is operated before and/or after school by qualified teachers employed by the district; (3) is a school parenting program or adult education child care program; (4) operates only one day per week for no more than four hours on that day; (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site; or (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

CHILD CARE AND DEVELOPMENT (continued)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

Note: Items #1-8 below list components of child care and development programs required for all providers pursuant to 5 CCR 18272-18281. 5 CCR 18271 requires the Governing Board to approve goals and objectives addressing each of these program components; see the accompanying Board policy. The district may add specific components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct developmentally and age-appropriate activities (Education Code 8203.5; 5 CCR 18272)

Note: In completing the developmental profile, program staff is required to use the CDE's "Desired Results Developmental Profile" form that is appropriate to the age of the children being served.

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program which complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6174 - Education for English Language Learners)

3. A staff development program which complies with 5 CCR 18274

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

4. Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences

CHILD CARE AND DEVELOPMENT (continued)

per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component which complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

(cf. 1020 - Youth Services)

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component which complies with 5 CCR 18277

Note: Health and Safety Code 1596.808, as added by AB 2084 (Ch. 593, Statutes of 2010), establishes beverage standards for licensed child care centers effective January 1, 2012. These standards require that children age 2 or older, with specified exceptions, be served only low-fat or nonfat milk, no more than one serving per day of 100 percent juice, and no beverage with added sweetener, and that clean and safe drinking water be readily available and accessible throughout the day. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766, as amended by P.L. 111-296) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. A nutrition component which ensures that children in the program have nutritious meals, beverages, and snacks that meet state and federal standards (Health and Safety Code 1596.808; 42 USC 1766; 5 CCR 18278)

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

(cf. 5030 - Student Wellness)

Note: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system developed by the CDE. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale using forms selected by the CDE. Each contractor is required to submit a summary of the self-evaluation findings to the CDE by June 1 of each year. In addition, every three years, the CDE conducts a Categorical Program Monitoring/Contract Monitoring Review (CPM/CMR) process with each contract agency which reviews compliance with program requirements. The CPM/CMR instrument is available on the CDE's web site.

8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

CHILD CARE AND DEVELOPMENT (continued)

Staffing Ratios

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

Enrollment

Note: CDE contracts provide funding only for services to families who meet the criteria for subsidized services as specified in Education Code 8250 and 8263 (i.e., families with a need for services who are current aid recipients, are income eligible as defined in Education Code 8263.1, are homeless, or have children who have been identified as being, or at risk of being, abused, neglected, or exploited). The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services.

5 CCR 18105 mandates that the district develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, including criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

SB 70 (Ch. 7, Statutes of 2011) had amended Education Code 8208 and 8263.4 to lower the age of children eligible to be served by state-funded child care and development programs to age 10 years or younger, with specified exceptions. However, AB 114 (Ch. 43, Statutes of 2011) subsequently amended these laws to revert to the previous age limit of age 12 years or younger, except that individuals with disabilities may be served through age 21.

The following section may be revised to reflect the district's contract(s) with the CDE.

The district's child care and development services shall be available to infants and children through age 12 years. Individuals with disabilities may be served through age 21 years in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4)

Children who meet the criteria specified in Education Code 8250 and 8263 shall be eligible for subsidized child care and development services.

Children ages 11-12, except for children with disabilities, shall be eligible for subsidized child care and development services only for the portion of care needed that is not available in a before- or after-school program. Subsidized child care and development services may be provided to a child age 11 or 12 when the parent/guardian certifies, on a form provided by the CDE, that a before- or after-school program is not available. A program may be considered unavailable if: (Education Code 8263.4)

1. The program does not provide services during the hours or days that the child needs services.

CHILD CARE AND DEVELOPMENT (continued)

2. The program is too geographically distant from the child's school or the parent/guardian's residence.
3. Use of the program would create substantial transportation obstacles for the family.
4. Use of the program is otherwise inappropriate for the child or burdensome on the family.

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Note: Education Code 8263 gives second priority for enrollment to families who are income eligible, as defined in Education Code 8263.1. SB 70 (Ch. 7, Statutes of 2011) amended Education Code 8263.1 to change the definition of "income eligible" to apply to families whose adjusted monthly income is at or below 70 percent of the state's median income.

Second priority for enrollment shall be given equally to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

The district's decision to approve or deny services shall be communicated to the family through a written notice mailed or delivered within 30 days from the date the application is signed by the parent/guardian. If services are approved, the notice shall contain the basis of eligibility, daily/hourly fee, if applicable, duration of the eligibility, names of children approved to receive services, and the hours of service approved for each day. If services are denied, the notice shall contain the basis of denial and instructions on how the parents/guardians may request a hearing in accordance with the procedures specified in 5 CCR 18120 and 18121 if they do not agree with the district's decision. (5 CCR 18094, 18118)

Note: The following **optional** paragraph may be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students or children of district employees; see the accompanying Board policy.

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with any other priorities established by the Governing Board.

CHILD CARE AND DEVELOPMENT (continued)

Note: Unless state funding is allocated to support the "centralized eligibility list" established in each county pursuant to Education Code 8499.5, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to 5 CCR 18106.

The Superintendent or designee shall maintain a waiting list in accordance with admission priorities and shall contact applicants in order of priority from the waiting list as vacancies occur. (5 CCR 18106)

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services and records used to determine the child's eligibility and need. (5 CCR 18081)

Fees

Note: Education Code 8250 and 5 CCR 18110 prohibit districts from assessing fees for children enrolled in a program for severely disabled children or a federally based migrant program. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section. In addition, Education Code 8447 prohibits charging a fee to a family receiving CalWORKs cash aid.

Except when prohibited by law, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8447; 5 CCR 18108, 18109, 18110)

Note: Families who are eligible for subsidized child care and development services may still be required to pay a portion of the costs as determined by income eligibility in the CDE's fee schedule, except as noted below.

Families receiving services on the basis of having a child at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months. Families receiving services on the basis of having a child receiving child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. The cumulative period of exemption from these fees for these families shall not exceed 12 months. (Education Code 8263)

Note: 5 CCR 18114 mandates that child care providers adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Education Code 8220-8224.

CHILD CARE AND DEVELOPMENT (continued)

Fees shall be collected prior to providing services and shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (5 CCR 18114, 18115)

Note: The following paragraph is for use by districts that wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees) and may be modified to delete diapers as appropriate for the age of the children served. Education Code 8263 mandates that such districts have a written policy which includes parents in the decision-making process.

The Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers. (Education Code 8263)

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

Note: 5 CCR 18066 mandates that providers adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

CHILD CARE AND DEVELOPMENT (continued)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

Note: 5 CCR 18066 mandates a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Note: 5 CCR 18066 mandates that providers adopt a policy governing unexcused absences which may include reasonable limitations, if any. The following paragraph may be revised to reflect district practice.

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

(cf. 5145.6 - Parent Notifications)

Rights of Parents/Guardians

Note: The following section is for use by districts that operate one or more licensed child care centers (see "Licensing" section above) but may be used by license-exempt providers.

CHILD CARE AND DEVELOPMENT (continued)

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Records

Note: CDE contracts require the district to submit data on both subsidized and nonsubsidized families served by child care and development centers, as provided below. In addition, the district is required to provide monthly reports, through the CDE's online Child Development Management Information System, on any families receiving subsidized services during that month.

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by the CDE.

Center Joint Unified School District

Administrative Regulation

Child Care And Development

AR 5148
Students

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Program Components

The district's child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct age- and developmentally appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program which complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6174 - Education for English Language Learners)

3. A staff development program which complies with 5 CCR 18274

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component which complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

(cf. 1020 - Youth Services)

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component which complies with 5 CCR 18277

7. A nutrition component which ensures that children in the program have nutritious meals and snacks that meet federal guidelines for child care programs or the National School Lunch program (5 CCR 18278)

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

(cf. 5030 - Student Wellness)

8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Staffing Ratios

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

Enrollment

The district's child care and development services shall accord equal treatment and access

to services in accordance with law.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Fees

No fees shall be assessed for families whose children are participating in programs prohibited by law from assessing fees.

The Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8263; 5 CCR 18108, 18109)

Families receiving services on the basis of having a child at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months. Families receiving services on the basis of having a child receiving child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. The cumulative period of exemption from these fees for these families shall not exceed 12 months. (Education Code 8263)

Fees shall be collected prior to providing services and shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (5 CCR 18114, 18115)

The Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers. (Education Code 8263)

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

(cf. 5145.6 - Parent Notifications)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Records

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the data specified in 5 CCR 18081.

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: June 3, 2009 Antelope, California

SCHOOL CALENDAR

Note: The following optional policy may be subject to collective bargaining agreements and should be modified to reflect district practice. The Public Employment Relations Board has determined that school calendar issues related to the work of employees, such as beginning and ending dates, summer vacations, and school holidays, are negotiable.

For each district school, the Governing Board shall adopt a school calendar that meets the requirements of law as well as the needs of the community, students, and the work year as negotiated with the district's employee organization(s). As appropriate, the Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support the district's goals for student achievement.

(cf. 0200 - Goals for the School District)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation days, minimum days, vacation periods, and other pertinent dates.

(cf. 6112 - School Day)
(cf. 6115 - Ceremonies and Observances)
(cf. 6117 - Year-Round Schedules)
(cf. 6177 - Summer School)

Note: Education Code 41420 establishes 175 days of instruction as the minimum requirement to receive full average daily attendance (ADA) reimbursement. Education Code 46200 provides incentive funding for districts to increase to 180 days of instruction and imposes financial penalties upon districts that offer fewer than 180 days of instruction after accepting the incentive funding. However, Education Code 46201.2 was added in 2009 to authorize any district receiving the longer-year incentive funding to reduce the school year by up to five days of instruction without incurring financial penalties. This authorization, which was to be in effect through the 2012-13 school year, has now been extended until the end of the 2014-15 school year by Education Code 46201.2, as amended by SB 70 (Ch. 7, Statutes of 2011). In addition, Education Code 46201.3, added by AB 114 (Ch. 43, Statutes of 2011), would become operative, if certain conditions exist, to allow all districts to reduce the minimum instructional days and minutes for the 2011-12 school year by up to seven days.

However, before any reduction in the number of working days the district must first negotiate with employee organizations. In addition, constitutional equity issues may have to be considered. In Butt v. State of California, the California Supreme Court held that a district violated students' fundamental right to basic equality in public education when it shortened the school year by six weeks because of a lack of funds. Thus, it is possible that, despite the legislative authority, similar equality issues could be raised if one school district offers 175 days of instruction and a neighboring district offers 180 days. Districts seeking to reduce instructional time should proceed cautiously and consult with legal counsel.

The following paragraph provides for 180 days of instruction. Districts that provide fewer than 180 days should modify the following paragraph accordingly.

SCHOOL CALENDAR (continued)

The district shall offer 180 days of instruction per school year, except for any school year in which the district and employee organization(s) agree to have fewer days of instruction pursuant to the authorization in Education Code 46201.2.

(cf. 1431 - Waivers)

Note: Education Code 46300 identifies educational activities that are included in the computation of ADA. School districts may not receive ADA reimbursement for staff development programs conducted on regular school days.

Staff development days shall not be counted as instructional days.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Elections Code 12283, the Governing Board may determine whether to keep a school open or closed on an election day when the school will be used as a polling place. In some cases, districts have closed the school for safety reasons, as a precaution against the large number of visitors on school grounds. Elections officials are required to request the use of the school within sufficient time in advance of the school year so that the Board can make this determination before school calendars are printed and distributed to parents/guardians.

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and nonclassified staff. (Elections Code 12283)

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

(cf. 5113 - Absences and Excuses)

Legal Reference: (see next page)

SCHOOL CALENDAR (continued)

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37220-37223 Holidays

37252-37254.1 Summer school

37300-37307 Year-Round School Demonstration Project

37600-37672 Continuous school programs: year-round schools, especially:

37618 School calendar

37700-37711 Four-day week

41422 Schools not maintained for 175 days

41530-41532 Professional Development Block Grant

46200-46206 Incentives for longer instructional day and year

46300 Method of computing ADA

48980 Notice at beginning of term

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

ELECTIONS CODE

12283 School closures, election days

COURT DECISIONS

Butt v. State of California, (1992) 4 Cal 4th 668

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Davis Joint Unified School District, (1984) PERB Decision No. 474

Management Resources:

WEB SITES

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

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

California Public Employment Relations Board: <http://www.perb.ca.gov>

Secretary of State's Office: <http://www.ss.ca.gov>

Center Joint Unified School District

Board Policy

School Calendar

BP 6111
Instruction

For each school, the Governing Board shall adopt a calendar that meets the requirements of law as well as the needs of the community, students, and the work year as negotiated with the district's employee organization(s). As appropriate, the Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support the district's goals for student achievement.

(cf. 0200 - Goals for the School District)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation days, minimum days, vacation periods, and other pertinent dates.

(cf. 6112 - School Day)
(cf. 6115 - Ceremonies and Observances)
(cf. 6117 - Year-Round Schedules)
(cf. 6177 - Summer School)

The district shall offer 180 days of instruction per school year, unless the district and employee organization(s) have negotiated to reduce the days of instruction in any school year through 2012-13 pursuant to the authorization in Education Code 42605.

(cf. 1431 - Waivers)

Staff development days shall not be counted as instructional days.

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

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and nonclassified staff. (Elections Code 12283)

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

(cf. 5113 - Absences and Excuses)

Legal Reference:

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California Public Employment Relations Board: <http://www.perb.ca.gov>

Secretary of State's Office: <http://www.ss.ca.gov>

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: February 17, 2010 Antelope, California