

CENTER JOINT UNIFIED SCHOOL DISTRICT

www.centerusd.org

Local Control Accountability Plan Goals:

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

BOARD OF TRUSTEES REGULAR MEETING

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

Wednesday, November 16, 2016 - 6:00 p.m.

- | | <u>STATUS</u> |
|--|----------------------|
| I. CALL TO ORDER & ROLL CALL - 5:30 p.m. | |
| II. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION | |
| 1. Public Employee Performance Evaluation (Certificated) Superintendent
(G.C. §54957) | |
| 2. Conference with Labor Negotiators, (Scott Loehr & David Grimes), Re: CSEA,
CUTA, Certificated Management, Classified Management, and Confidential
(G.C. §54957.6) | |
| 3. Student Expulsions/Readmissions (G.C. §54962) | |
| III. PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED
SESSION | |
| IV. CLOSED SESSION - 5:30 p.m. | |
| V. OPEN SESSION - CALL TO ORDER - 6:00 p.m. | |
| VI. FLAG SALUTE | |
| VII. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION | Info/Action |
| VIII. ADOPTION OF AGENDA | Action |
| IX. STUDENT BOARD REPRESENTATIVE REPORTS (3 minutes each) | Info |
| 1. Center High School - Millennium Chaovong | |
| 2. McClellan High School - Tristan Wallenmeyer | |
| 3. Global Youth Charter School - Diego Vidal | |

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

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

X. ORGANIZATION REPORTS (3 minutes each)		Info
	1. CUTA - Venessa Mason, President	
	2. CSEA - Marie Huggins, President	
XI. REPORTS/PRESENTATIONS (8 minutes each)		Info
Facilities & Op.	1. SMUD SolarShares Presentation - Craig Deason	
XII. COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA		Public Comments Invited
<i>Anyone may address the Board regarding any item that is within the Board's subject matter jurisdiction. However, the Board <u>may not</u> discuss or take action on any item which is not on this agenda except as authorized by Government Code Section 54954.2. A speaker shall be limited to 3 minutes (Board Policy 9323). All public comments on items listed on this agenda will be heard at the time the Board is discussing that item.</i>		
XIII. BOARD / SUPERINTENDENT REPORTS (10 minutes)		Info
XIV. CONSENT AGENDA (5 minutes)		Action
<i>NOTE: The Board will be asked to approve all of the following items by a single vote, unless any member of the Board asks that an item be removed from the consent agenda and considered and discussed separately.</i>		
Governance	1. Approve Adoption of Minutes from October 19, 2016 Regular Meeting	
Personnel	2. Approve Classified Personnel Transactions	
↓	3. Approve Certificated Personnel Transactions	
↓	4. Approve Memorandum of Understanding with Sacramento County of Education for Sacramento Consortium Teacher Induction Program	
↓	5. Approve Salary Increase and Revision of Adult Education Provisions of Employment	
Special Ed	6. Ratify 2016/2017 Individual Services Agreements:	
	2016/17-194 Maxim Healthcare Services	
	2016/17-195 ARS	
	2016/17-196 CTEC	
	2016/17-197 CTEC	
Curr & Instr	7. Approve Surplus Books	
↓	8. Approve Agreement for Consulting Services - Positive Behavioral Interventions and Supports	
↓	9. Ratify Memorandum of Understanding #6 CJUSD-BPP between Sacramento County of Education (SCOE) and CJUSD: Student Mental Health Wellness Education and Training Bullying Prevention Program	
↓	10. Approve Memorandum of Understanding Agreement #1 CJUSD-YMHFA: Student Mental Health and Wellness Education and Training Youth Mental Health First Aid Program	
↓	11. Ratify Memorandum of Understanding with Child Abuse Prevention Center (CAPC) and Center JUSD to Partner on AmeriCorps Grant	
↓	12. Approve Contract with Community Matters to Implement Safe Schools Ambassadors Program - WCR, CHS, OH, Spinelli	
↓	13. Approve Field Trip: Media Communications Academy (MCA) to Bay Area - CHS	
↓	14. Approve Single Plan for Student Achievement - Spinelli	
↓	15. Approve W.A.S.C. Action Plans / Single Plan for Student Achievement - CHS	
Facilities & Op.	16. Approve Contract with Sheltons Unlimited Mechanical Services for Walk-In Freezer/Fridge Purchase & Installation	
Business	17. Approve School Business Services Contract with Ryland School Business Consulting	
↓	18. Approve Payroll Orders: July - October 2016	
↓	19. Approve Supplemental Agenda (Vendor Warrants): October 2016	

XV. BUSINESS ITEMS

Curr & Instr	A.	<u>College Readiness Block Grant Plan</u>	Discussion
		CJUSD shall develop a plan describing how funds will increase or improve services for unduplicated pupils to ensure college readiness and include information on how it aligns with the local control and accountability plan. As a condition of receipt of funds, CJUSD shall report to the CDE by January 1, 2017, on how the CJUSD will measure the impact of the funds received on the CJUSD's unduplicated pupils' access and matriculation to higher education.	
Facilities & Op.	B.	<u>Resolution #10/2016-17: Approval of Piggyback Bid No. 14005 of Creative Bus Sales Purchase Agreement</u>	Action
		This resolution grants approval for the acquisition of buses for use in District transportation and educational programs through a bid procured by the South County Support Services Agency under Piggyback Bid No. 14005.	
↓	C.	<u>Contract with Creative Bus Sales for Purchase of Buses</u>	Action
		This would allow to purchase three busses: for the replacement of Bus 16, which is no longer in service, and two additional buses that have reached the point where continued mechanical service to keep them in use would become a serious financial burden.	
Governance	D.	<u>Schedule Annual Organizational Meeting of the Board</u>	Action
		Education Code §35143 requires governing boards to set an annual organizational meeting "within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar." (Board members are seated the <i>first Friday</i> of December following the November election [Education Code §5017]) That 15-day period for 2016 is December 2-16.	
↓	E.	<u>CSBA Delegate Assembly Nominations</u>	Action
		Nominations will be accepted until Monday, January 7, 2017. Any CSBA member board is eligible to nominate board members within their geographical region or subregion. Each board may nominate as many individuals as it chooses. The subregion for CJUSD is 6-B.	
↓	F.	<u>Second Reading: Board Policies/Regulations/Exhibits</u>	Action
		Replace E 0420.41 - Charter School Oversight Replace BP/AR 0450 - Comprehensive Safety Plan Replace BP/AR 0520.2 - Title I Program Improvement Schools Delete E 0520.2 - Title I Program Improvement Schools Replace BP 0520.3 - Title I Program Improvement Districts Delete AR 0520.3 - Title I Program Improvement Districts Replace BP/AR 1230 - School-Connected Organizations Replace BP/AR 1312.3 - Uniform Complaint Procedures Replace BP 2121 - Superintendent's Contract Add BP/AR 3230 - Federal Grant Funds Replace BP/AR 3270 - Sale and Disposal of Books, Equipment and Supplies Replace BP/AR 3311 - Bids Replace AR 3440 - Inventories Replace AR 3460 - Financial Reports and Accountability Replace AR 3512 - Equipment Replace BP/AR 3513.3 - Tobacco-Free Schools Replace AR 3516.3 - Earthquake Emergency Procedure System Replace BP 3541.2 - Transportation for Students with Disabilities Delete AR 3541.2 - Transportation for Students with Disabilities Replace BP/AR 3553 - Free and Reduced Price Meals	

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

Replace BP 3555 - Nutrition Program Compliance
Replace BP 3580 - District Records
Replace BP 4112.2 - Certification
Delete BP/AR/E(1)/E(2) 4112.24 - Teacher Qualifications Under the No Child Left Behind Act
Replace E 4112.9/4212.9/4312.9 - Employee Notifications
Replace BP 4113 - Assignment
Replace AR 4115 - Evaluation/Supervision
Replace AR 4222 - Teacher Aides/Paraprofessionals
Delete E 4222 - Teacher Aides/Paraprofessionals
Replace BP/AR 5116.1 - Intradistrict Open Enrollment
Replace BP/AR 5121 - Grades/Evaluation of Student Achievement
Replace BP 5131.62 - Tobacco
Replace BP/AR 5145.3 - Nondiscrimination/Harassment
Replace E 5145.6 - Parental Notifications
Replace BP/AR 5145.7 - Sexual Harassment
Replace AR 6158 - Independent Study
Replace AR 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School
Replace BP 6179 - Supplemental Instruction
Replace BP/AR 6200 - Adult Education
Add BB 9222 - Resignation
Replace BB/E 9270 - Conflict of Interest
Replace BB 9321 - Closed Session Purposes and Agendas

Minor Revisions:

AR 3314 - Payment for Goods and Services
AR 3515.5 - Sex Offender Notification
BP 4030 - Nondiscrimination in Employment
AR 4112 - Appointment and Conditions of Employment
BP 4112.21 - Interns
AR 4112.23 - Special Education Staff
E 4112.9/4212.9/4312.9 - Employee Notifications
BP 4117.13/4317.13 - Early Retirement Option
AR 5141.4 - Child Abuse Prevention and Reporting
AR 6158 - Independent Study
AR 6171 - Title I Programs
E(1) 9323.2 - Actions by the Board

- | | | |
|---------------|--|---------------|
| XVI. | ADVANCE PLANNING | Info |
| | <i>a. Future Meeting Dates:</i> | |
| | <i>i. Regular Meeting: Wednesday, December 14, 2016 @ 6:00 p.m. - District Board Room - Room 503, located at Riles Middle School, 4747 PFE Road, Roseville, CA 95747</i> | |
| | <i>b. Suggested Agenda Items:</i> | |
| XVII. | CONTINUATION OF CLOSED SESSION (Item IV) | Action |
| XVIII. | ADJOURNMENT | Action |

CJUSD Mission:

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

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Facilities & Operations Department

To: Board of Trustees

Action Item _____

Date: November 16, 2016

Information Item X

From: Craig Deason, Assist. Supt.

Attached Pages 28

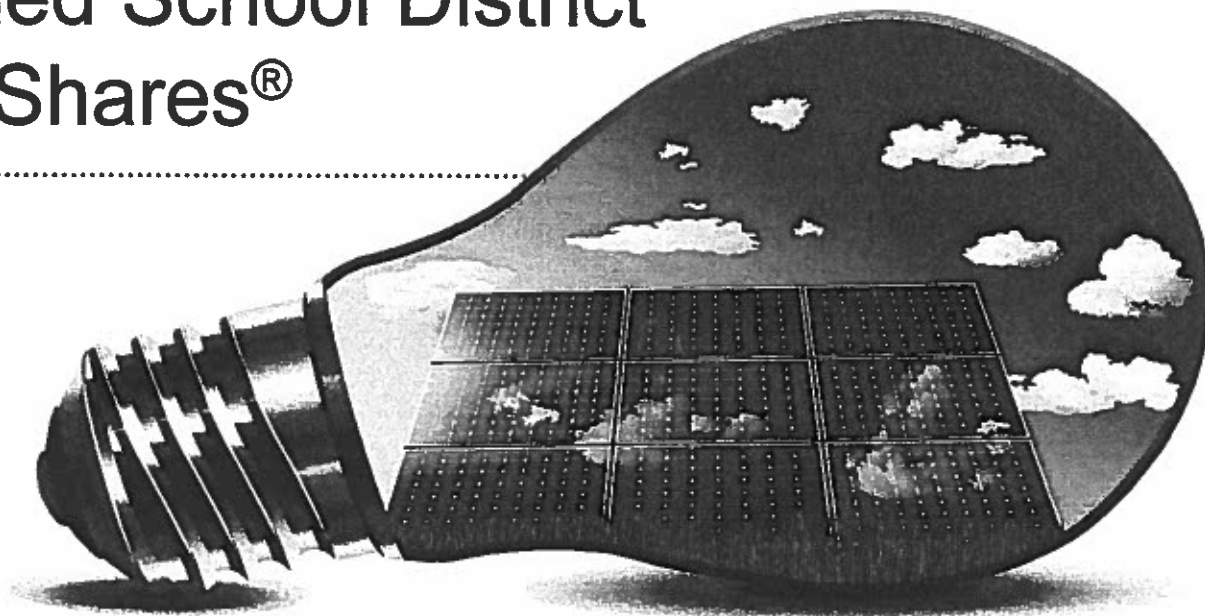
Assist. Supt. Initials: CD

SUBJECT:

SMUD SolarShares Presentation

Facilities and Operations has invited Damien Waples of SMUD to provide a PowerPoint presentation detailing a sustainable future with SolarShares.

Center Joint Unified School District and SMUD SolarShares®



Damien Waples
Commercial & Industrial Account Solutions

October 20, 2016



Powering forward. Together.



Roadmap

- About SMUD
- Partnering with SMUD
- Sustainable Future with SMUD
- Overview/Benefits
- SMUD SolarShares solution
- Next steps

About SMUD

Our Purpose

SMUD is community owned. Our purpose is to enhance the quality of life for our customers and community through creative energy solutions.

Our Vision

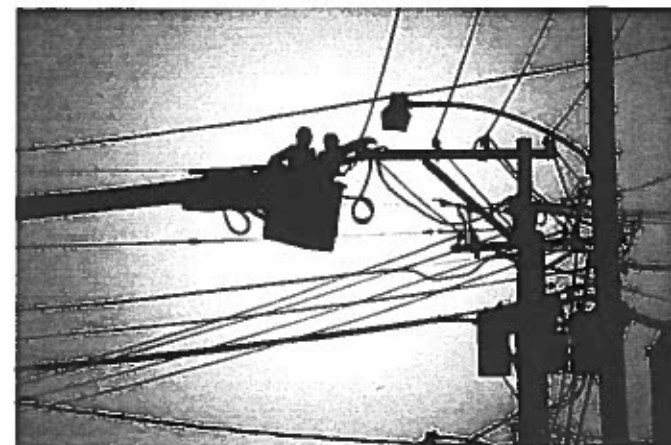
SMUD's vision is to be the trusted partner with our customers and community, providing innovative solutions to ensure energy affordability and reliability, improve the environment, reduce our region's carbon footprint and enhance the vitality of our community.

Our Values

SMUD has 4 values which distinguish SMUD and describe how we work every day:

- Leadership
- Ingenuity
- Community
- Integrity

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Serving Sacramento for 70 years





Be Safe. Always

Treasure Our
Employees



Value Our
Customers and
Community

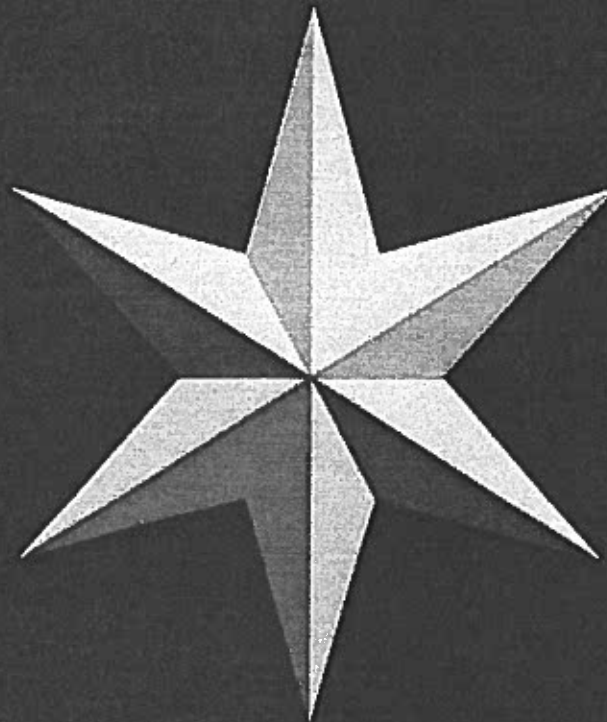
Operational
Excellence



Financially Fit



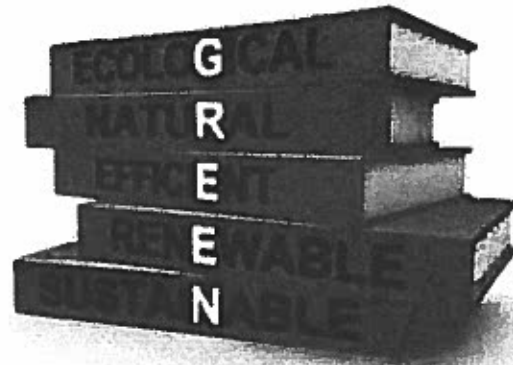
Sustainable Future



SMUD 3.0's North Star

Sustainable Future with SolarShares

- Carbon emissions reduction
- Community leadership
- Commodity cost stabilization
- Minimize initial investment to achieve district goals
- Large pool of PV generation



CJUSD SolarShares Overview

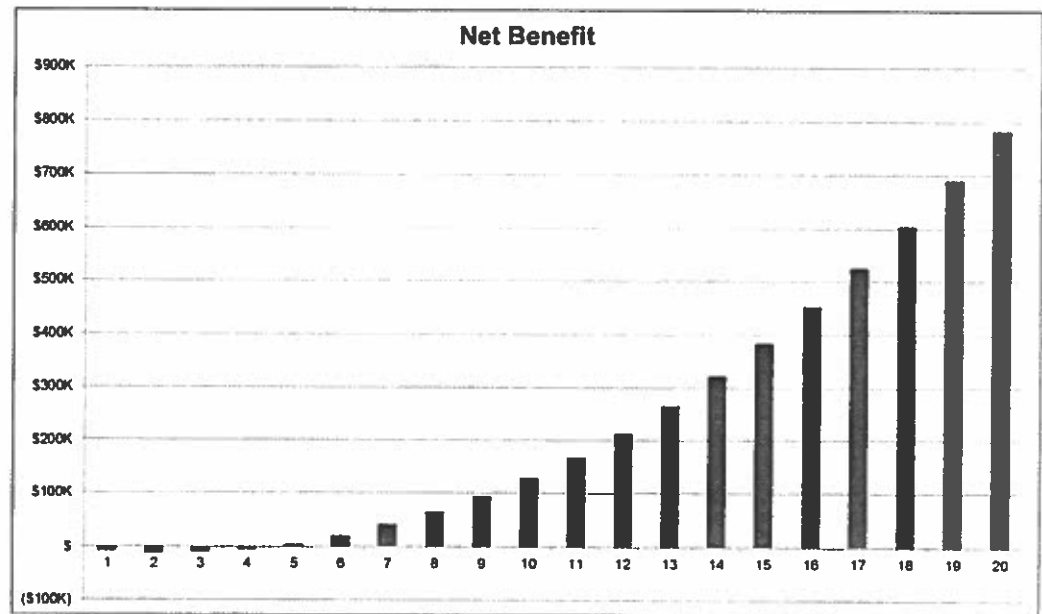
- SMUD builds and maintains 1,098 kW of solar on your behalf
- SMUD delivers low cost solar power to you using our existing infrastructure
- SMUD builds the cost of solar into your current electric bill
- SMUD authenticates your renewable and environmental claims
- Center JUSD saves ~\$780k* by purchasing clean renewable power over 20 years
- Cost to the district: ~\$11,000 over 2 years

*based on estimated 2% cost of energy escalation

Disclaimer: The forecasts herein are based on estimates and provided for informational purposes only.

Proposed SolarShares Solution – District Totals

- 1,098 kW system (7 acre equiv.)
- 2,382,327 kWh annually
- 50% of CJUSD usage
- GHG Reduction: 606 metric tons/year
- Solar generation reported monthly



Disclaimer: The forecasts herein are based on estimates and provided for informational purposes only.

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SolarShares Financials – District Totals

- No out of pocket expenses
- Only costs \$11,386 in the first two years
- Cash flow positive: Year 3
- Payback: Year 5
- Savings of \$781,185 over the 20 year term
- Proposal based on 2015 account usage, 2.0% rate escalation, and 20 year contract term
- Rate Structure
 - \$0.095/kWh – fixed energy cost
 - \$0.015/kWh – delivery component **
 - ** (dc subject to rate escalation)

Cash Flow	Net Benefit
(\$7,877)	(\$7,877)
(\$3,509)	(\$11,386)
\$948	(\$10,438)
\$5,493	(\$4,945)
\$10,129	\$5,184
\$14,858	\$20,043
\$19,682	\$39,724
\$24,602	\$64,326
\$29,620	\$93,947
\$34,739	\$128,686
\$39,961	\$168,647
\$45,286	\$213,933
\$50,718	\$264,651
\$56,259	\$320,910
\$61,911	\$382,821
\$67,675	\$450,496
\$73,555	\$524,052
\$79,553	\$603,604
\$85,670	\$689,275
\$91,910	\$781,185

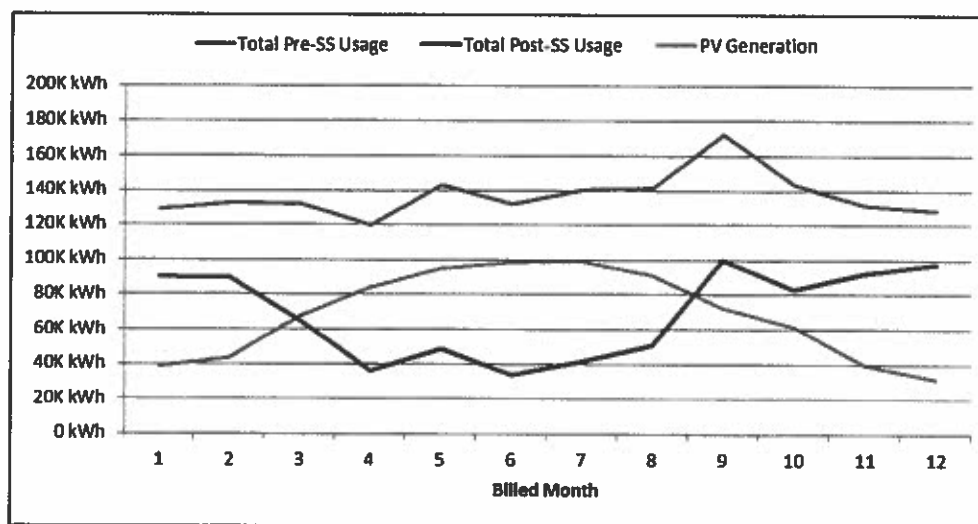
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Proposed SolarShares Solution – Center H.S.

- 378 kW system
- 820,145 kWh annually
- 50% of usage
- 2.5 acre equivalent
- GHG Reduction: 209 metric tons

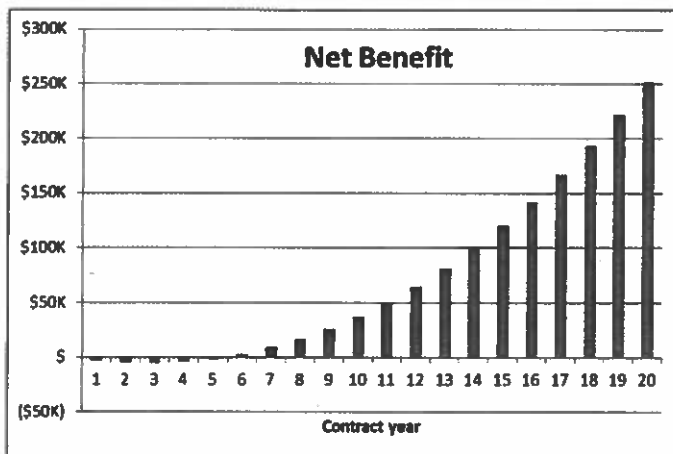


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SolarShares Financials – Center H.S.

- No out of pocket expenses
- Costs \$5,794 over the first three years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$251,459 over the 20 year term



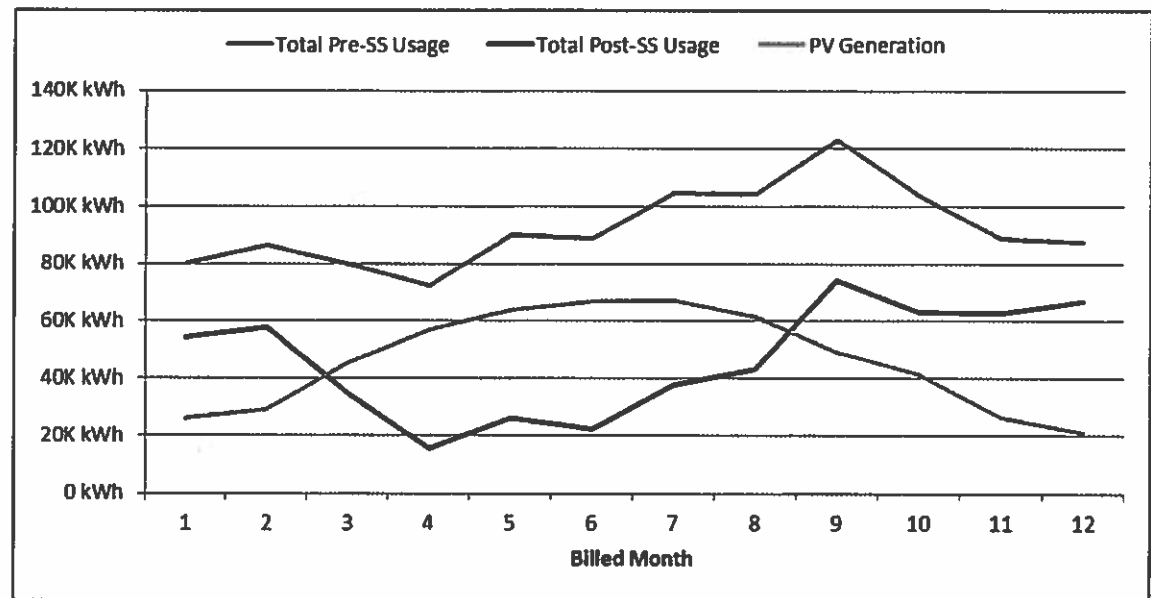
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Cash Flow	Net Benefit
(\$3,431)	(\$3,431)
(\$1,941)	(\$5,372)
(\$422)	(\$5,794)
\$1,128	(\$4,667)
\$2,709	(\$1,958)
\$4,321	\$2,363
\$5,966	\$8,329
\$7,643	\$15,973
\$9,355	\$25,327
\$11,100	\$36,427
\$12,880	\$49,308
\$14,696	\$64,004
\$16,548	\$80,552
\$18,438	\$98,990
\$20,365	\$119,354
\$22,330	\$141,684
\$24,335	\$166,019
\$26,380	\$192,399
\$28,466	\$220,865
\$30,594	\$251,459

Proposed SolarShares Solution – Wilson Riles M.S.

- 255 kW system
- 553,273 kWh annually
- 50% of usage
- 1.7 acre equivalent



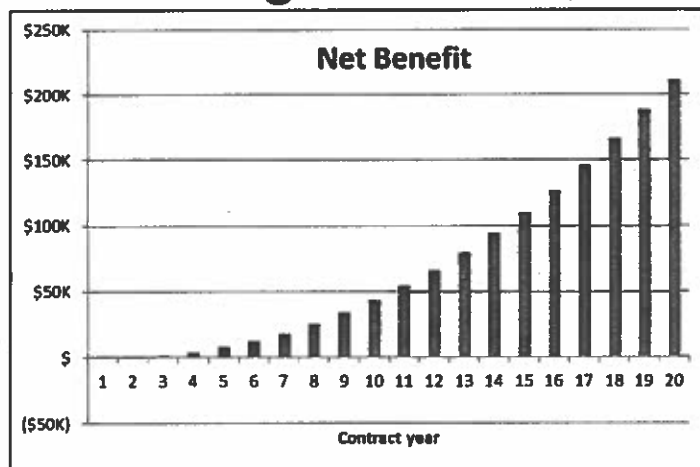
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SolarShares Financials – Wilson Riles M.S.

- No out of pocket expenses
- Costs \$624 over one year
- Cash flow positive: Year 2
- Payback: Year 3
- Savings of \$210,722 over the 20 year term



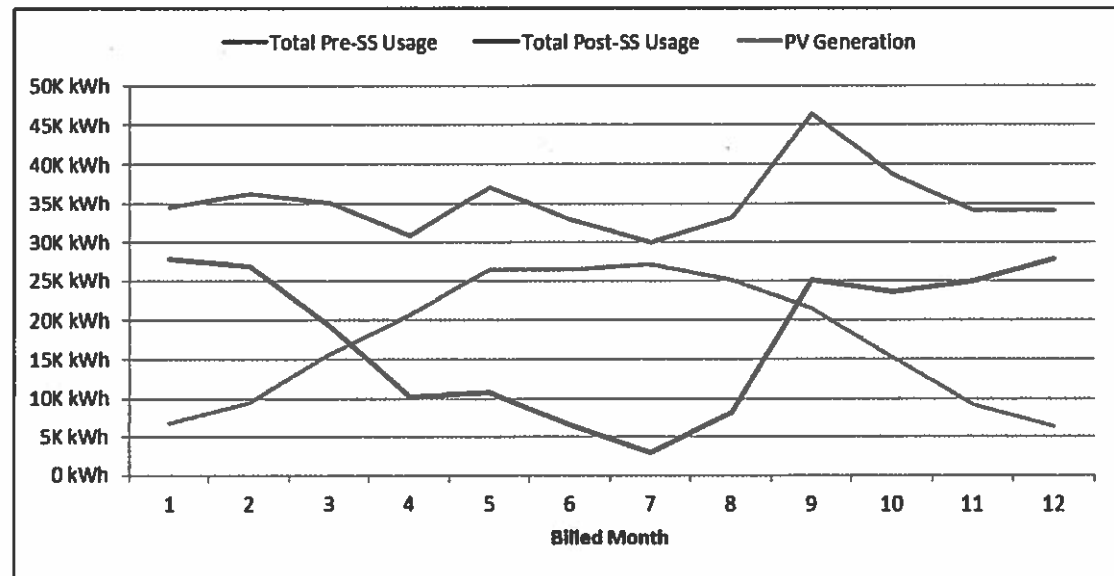
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Cash Flow	Net Benefit
(\$624)	(\$624)
\$415	(\$208)
\$1,475	\$1,266
\$2,555	\$3,822
\$3,658	\$7,479
\$4,782	\$12,261
\$5,929	\$18,190
\$7,099	\$25,289
\$8,292	\$33,581
\$9,509	\$43,090
\$10,750	\$53,840
\$12,017	\$65,857
\$13,308	\$79,165
\$14,626	\$93,791
\$15,969	\$109,760
\$17,340	\$127,100
\$18,738	\$145,838
\$20,164	\$166,001
\$21,618	\$187,620
\$23,102	\$210,722

Proposed SolarShares Solution – Oak Hill E.S.

- 97 kW system
- 210,461 kWh annually
- 50% of usage
- .6 acre equivalent



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SolarShares Financials – Oak Hill E.S.

- No out of pocket expenses
- Costs \$1,243 over 3 years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$66,468 over the 20 year term

Cash Flow	Net Benefit
(\$801)	(\$801)
(\$417)	(\$1,217)
(\$25)	(\$1,243)
\$374	(\$868)
\$782	(\$87)
\$1,197	\$1,110
\$1,621	\$2,731
\$2,053	\$4,784
\$2,494	\$7,278
\$2,944	\$10,222
\$3,403	\$13,625
\$3,871	\$17,495
\$4,348	\$21,843
\$4,835	\$26,678
\$5,331	\$32,009
\$5,838	\$37,847
\$6,354	\$44,201
\$6,881	\$51,082
\$7,419	\$58,501
\$7,967	\$66,468

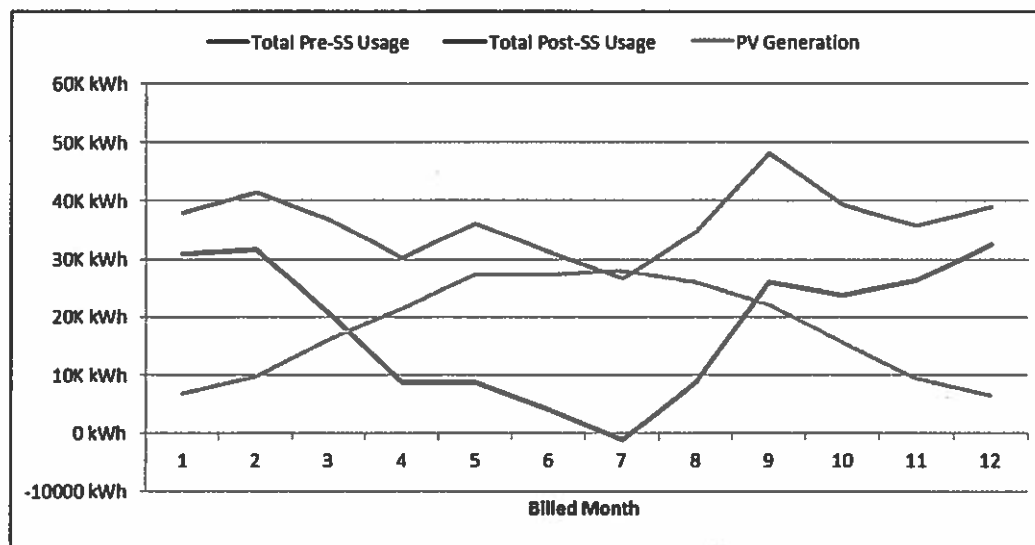
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Proposed SolarShares Solution – North Country E.S.

- 95 kW system
- 206,121 kWh annually
- 50% of usage
- .6 acre equivalent



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SolarShares Financials – North Country E.S.

- No out of pocket expenses
- Costs \$1,203 over 3 years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$65,205 over the 20 year term

Cash Flow	Net Benefit
(\$821)	(\$821)
(\$425)	(\$1,246)
(\$21)	(\$1,267)
\$391	(\$876)
\$811	(\$65)
\$1,239	\$1,174
\$1,676	\$2,850
\$2,122	\$4,972
\$2,577	\$7,549
\$3,040	\$10,589
\$3,514	\$14,103
\$3,996	\$18,099
\$4,488	\$22,587
\$4,990	\$27,577
\$5,502	\$33,080
\$6,025	\$39,104
\$6,557	\$45,661
\$7,101	\$52,762
\$7,655	\$60,417
\$8,220	\$68,637

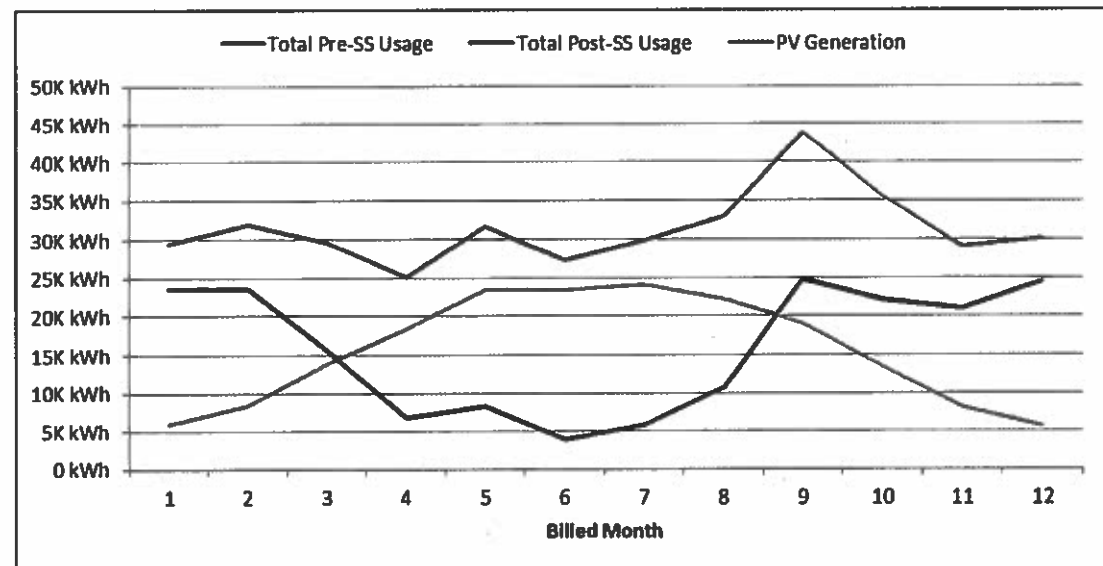
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Proposed SolarShares Solution – Arthur Dudley E.S.

- 86 kW system
- 186,594 kWh annually
- 50% of usage
- .6 acre equivalent



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SolarShares Financials – Arthur Dudley E.S.

- No out of pocket expenses
- Costs \$1,107 over 3 years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$58,889 over the 20 year term

Cash Flow	Net Benefit
(\$712)	(\$712)
(\$371)	(\$1,083)
(\$24)	(\$1,107)
\$330	(\$777)
\$691	(\$86)
\$1,059	\$974
\$1,435	\$2,409
\$1,818	\$4,227
\$2,209	\$6,436
\$2,608	\$9,044
\$3,015	\$12,059
\$3,429	\$15,488
\$3,853	\$19,341
\$4,284	\$23,625
\$4,724	\$28,349
\$5,173	\$33,523
\$5,631	\$39,154
\$6,099	\$45,253
\$6,575	\$51,828
\$7,061	\$58,889

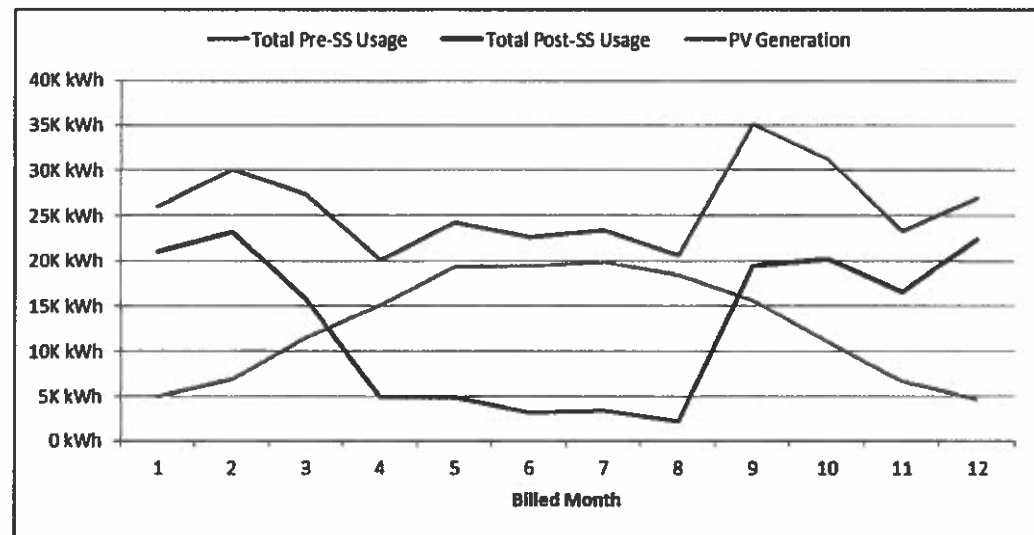
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Proposed SolarShares Solution – Cyril Spinelli E.S.

- 71 kW system
- 154,048 kWh annually
- 50% of usage
- .5 acre equivalent



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SolarShares Financials – Cyril Spinelli E.S.

- No out of pocket expenses
- Costs \$859 over 3 years
- Cash flow positive: Year 4
- Payback: Year 5
- Savings of \$49,055 over the 20 year term

Cash Flow	Net Benefit
(\$569)	(\$569)
(\$288)	(\$858)
(\$1)	(\$859)
\$291	(\$567)
\$590	\$23
\$894	\$917
\$1,205	\$2,122
\$1,522	\$3,644
\$1,845	\$5,489
\$2,175	\$7,664
\$2,511	\$10,174
\$2,854	\$13,028
\$3,203	\$16,232
\$3,560	\$19,792
\$3,924	\$23,716
\$4,295	\$28,011
\$4,674	\$32,685
\$5,060	\$37,745
\$5,454	\$43,199
\$5,856	\$49,055

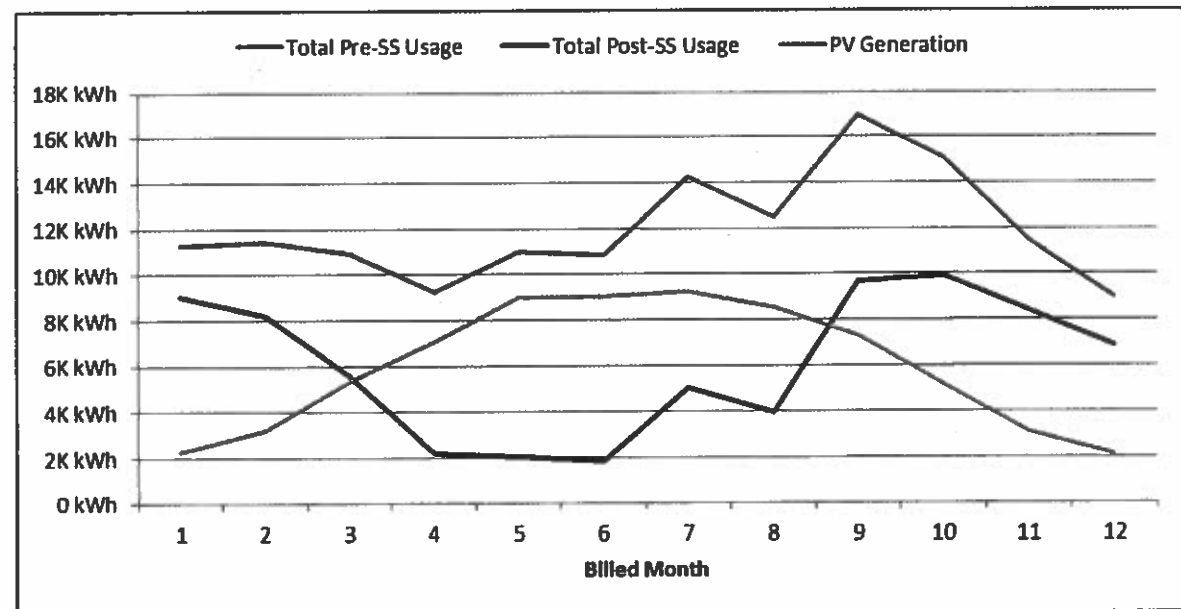
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Proposed SolarShares Solution – McClellan H.S.

- 33 kW system
- 71,600 kWh annually
- 50% of usage
- .2 acre equivalent



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SolarShares Financials – McClellan H.S

- No out of pocket expenses
- Costs \$409 over 3 years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$22,723 over the 20 year term

Cash Flow	Net Benefit
(\$268)	(\$268)
(\$137)	(\$405)
(\$4)	(\$409)
\$132	(\$277)
\$271	(\$6)
\$412	\$406
\$557	\$963
\$704	\$1,666
\$854	\$2,520
\$1,007	\$3,527
\$1,163	\$4,690
\$1,322	\$6,013
\$1,485	\$7,498
\$1,651	\$9,148
\$1,820	\$10,968
\$1,992	\$12,960
\$2,168	\$15,128
\$2,347	\$17,475
\$2,530	\$20,006
\$2,717	\$22,723

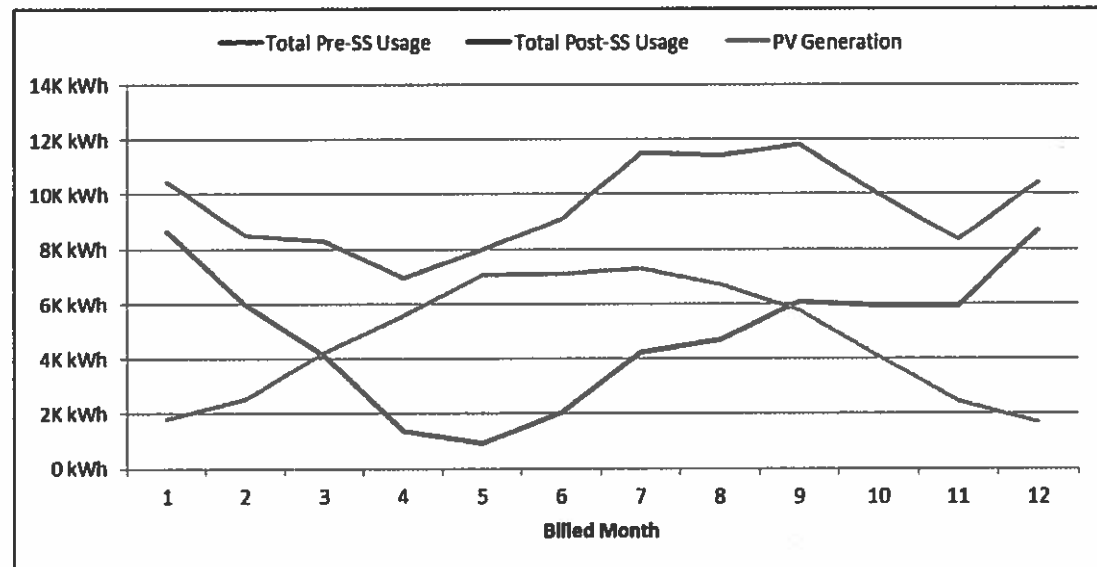
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Proposed SolarShares Solution – District Office 1 of 2

- 26 kW system
- 56,412 kWh annually
- 50% of usage
- Solar generation reported monthly
- .2 acre equivalent



Disclaimer: The forecasts herein are based on estimates and provided for informational purposes only.

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SolarShares Financials – District Office

1 of 2

- No out of pocket expenses
- Costs \$347 over 3 years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$17,705 over the 20 year term

Cash Flow	Net Benefit
(\$219)	(\$219)
(\$116)	(\$336)
(\$12)	(\$347)
\$95	(\$252)
\$205	(\$47)
\$316	\$269
\$429	\$698
\$545	\$1,243
\$663	\$1,906
\$784	\$2,690
\$906	\$3,596
\$1,032	\$4,628
\$1,160	\$5,788
\$1,290	\$7,078
\$1,423	\$8,501
\$1,559	\$10,059
\$1,697	\$11,756
\$1,838	\$13,594
\$1,982	\$15,576
\$2,129	\$17,705

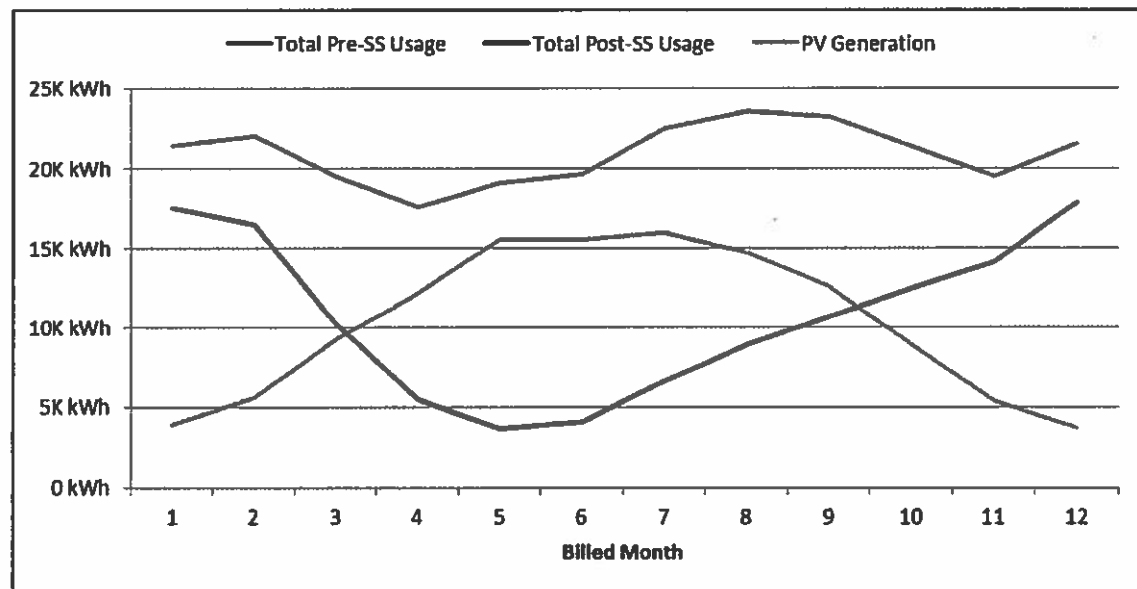
Disclaimer: The forecasts herein are based on estimates and provided for informational purposes only.

Confidential & proprietary



Proposed SolarShares Solution – District Office 2 of 2

- 57 kW system
- 123,673 kWh annually
- 50% of usage
- .4 acre equivalent



Disclaimer: The forecasts herein are based on estimates and provided for informational purposes only.

Confidential & proprietary

SolarShares Financials – District Office

2 of 2

- No out of pocket expenses
- Costs \$743 over 3 years
- Cash flow positive: Year 4
- Payback: Year 6
- Savings of \$38,960 over the 20 year term

Cash Flow	Net Benefit
(\$475)	(\$475)
(\$249)	(\$724)
(\$19)	(\$743)
\$216	(\$527)
\$455	(\$72)
\$699	\$627
\$948	\$1,575
\$1,202	\$2,776
\$1,461	\$4,237
\$1,725	\$5,962
\$1,995	\$7,957
\$2,269	\$10,226
\$2,550	\$12,776
\$2,836	\$15,612
\$3,127	\$18,739
\$3,425	\$22,164
\$3,728	\$25,892
\$4,038	\$29,930
\$4,354	\$34,284
\$4,676	\$38,960

Disclaimer: The forecasts herein are based on estimates and provided for informational purposes only.

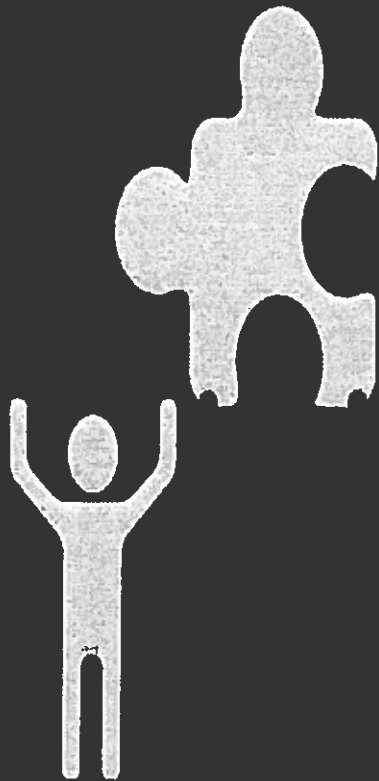
Confidential & proprietary



PR and Marketing Benefits

- SMUD will support CJUSD cooperative joint PR event
- SMUD to work with CJUSD to apply for EPA Green Partner and/or Partner of the Year awards
- Listed in SMUD advertising as SolarShares participation in local business publications

Next Steps



Reservation & Agreement

- Review language
 - Terms and Conditions
 - Verify amounts
- Execute
 - Sign Reservation & Agreement form
 - Two copies
- Marketing
 - Determine collateral
 - Theme development
 - Release mechanism

Center Joint Unified School District

Dept./Site: Superintendent's Office
To: Board of Trustees
Date: November 16, 2016
From: Scott A. Loehr, Superintendent
Principal's Initials: _____

AGENDA REQUEST FOR:

Action Item ☒ X

Information Item _____

#Attached Pages _____

SUBJECT: Adoption of Minutes**The minutes from the following meeting are being presented:**

October 19, 2016 Regular Meeting

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

CENTER JOINT UNIFIED SCHOOL DISTRICT

BOARD OF TRUSTEES REGULAR MEETING

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

Wednesday, October 19, 2016

M I N U T E S

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

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

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

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

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

PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION

CLOSED SESSION - 5:30 p.m.

OPEN SESSION - CALL TO ORDER – 6:02 p.m.

FLAG SALUTE - led by Patricia Spore

President Pope welcomed Mrs. Coronado to her first board meeting as a Cabinet member.

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

ADOPTION OF AGENDA - There was a motion to approve the adoption of the agenda as presented: Consent Agenda Items 1, 2, and 3 pulled for separate consideration.

Motion: Wilson
Second: Kelley

Vote: General Consent

STUDENT BOARD REPRESENTATIVE REPORTS

1. Center High School - Millennium Chaovong
- this Friday is the Pink Out game; they are in the process of making Senior recognition signs. Friday they will start decorating the stadium.
2. McClellan High School - Tristan Wallenmeyer was not available to report.

STUDENT BOARD REPRESENTATIVE REPORTS (continued)

3. Global Youth Charter School – Diego Vidal

- apologized for his absence last month
- Global has had an amazing year so far; they have had many activities like the Jelly Belly Factory field trip, rallies, etc.
- Global has hired 2 amazing teachers: Mr. Hansen (science) and Mr. Wise (history)
- Global is a friendly and safe environment for all students and teachers
- there will be rallies and field trips in the future; they will be going soon to a skating rink
- students will be volunteering to help out North Country at their Harvest Festival

ORGANIZATION REPORTS

1. CUTA - Venessa Mason, President, reported on what is happening at the sites. She noted that North Country is having their Harvest Festival this Friday. The choir sang for the Food Maxx Grand Opening and the school received \$500. The choir received a \$300 grant and will use that to buy bowties for the choir participants. Oak Hill had their Fall Festival in the rain, but moved it inside; it was still successful. Their GATE class is getting ready for the SEVA videos, then on 10/28 they are having their Trunk-or-Treat festivities from 6-7:30pm. The Dudley Harvest Festival was postponed to this Friday. Tammy Wilson, from SCOE, did a "Wonders" training on the new ELA curriculum for 1st and 6th grade. They are offering training to other grade levels on 2 separate dates. Spinelli had new t-shirts given to all staff and students with a new design on them. They will have a Family Math Night on 10/27, 5-6:30p. This Friday Riles MS will have their Fun Run during the last hour of the day. And on 10/27 CHS will have "A Bite of Reality", where local credit unions come in and teach Seniors about budgeting, planning, etc.

2. CSEA - Marie Huggins, President, was not available to report. Mr. Loehr noted that Mrs. Huggins is feeling under the weather. Mr. Loehr did note that they had nothing to report. He also added that they hosted an appreciation dinner last Friday and Marie said that it went very, very well.

REPORTS/PRESENTATIONS

1. Williams Uniform Complaint Quarterly Reporting - David Grimes, Director of Personnel & Student Services, noted that there were no complaints to report. President Pope asked Mr. Grimes to explain to the audience what the Williams Uniform Complaint is. He noted that the District is responsible for providing adequate facilities and materials for all of the students. If the district falls short in any of those areas, members of the public, parents, and students, would have an opportunity to follow up with a complaint to the district so that we can become compliant with materials and facilities needed. As a district we do a very good job of providing those, and thus we end up each quarter with no complaints. Trustee Anderson inquired on an issue a few years back where there weren't enough textbooks. Mr. Loehr noted that it involved having classroom sets and each student having a book at home; it also involved some backordered books. All of that was resolved, but hadn't received a formal complaint about it because the district communicated about it. Mr. Loehr noted that this helps us because we have to prove evidence that we have reported to the public, that we are tracking it.

2. CAASPP Update - Rebecca Lawson, Coordinator of Curriculum and Instruction, shared a report with the Board on the Smarter Balance Components, Student Score Levels, and Achievement Claim Descriptors. There were charts with overall district scores and grade level comparisons. Mrs. Lawson noted that district and site staff will review, analyze, plan, and implement. Trustee Wilson asked if in a few years we find that this doesn't work, can we go back to teaching real math. Mr. Loehr noted that we had this same issues come up when curriculum was changed before; it is a change in vocabulary in teaching the same concepts. Trustee Kelley asked if the data they are looking at is our district data from this year compared to our district data from last year. Mrs. Lawson noted that this is correct. Trustee Kelley asked when do we start looking at where we stand with neighborhood districts and

REPORTS/PRESENTATIONS (continued)

statewide comparisons. Mr. Loehr noted that we are doing that already, and we are partnering with a group called CORE.

3. Technology Update - Craig Deason, Assistant Superintendent of Operations and Facilities, shared with the board where we are with upgrades in technology within the district. He covered infrastructure, projectors/interactive classrooms, and Chromebooks (1 on 1 initiative). Trustee Kelley asked how the chromebooks work (do they stay in the classroom or do they go home with the students). Mr. Deason noted that there are not enough yet for all students; the carts are passed around from classroom to classroom. Mr. Loehr noted that they are all on Google so students are able to access their accounts through whichever device they are on. Mr. Deason also noted that there are 2 iPad classrooms and a Surface classroom within the district. There are devices for each technology teacher at each site. There are school sites that have purchased Chrome Boxes for their teachers, and one or two sites have purchased iPads or Apple laptops for all of their teachers. Trustee Pope asked if we were going away from computer rooms/labs. Mr. Deason noted that Oak Hill's Computer Lab was just dismantled and they built a video studio in there. Mrs. Spore noted that her site's PTA has purchased 3 new carts and Chromebooks for her site.

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

BOARD/SUPERINTENDENT REPORTS

Mr. Hunt – had nothing to report.

Mrs. Kelley – had nothing to report.

Mr. Wilson

- attended the Terry McCauley Gym Dedication Ceremony.
- noted that he cooked hamburgers at the football game for the snack bar.

Mrs. Anderson – had nothing to report.

Mrs. Pope – had nothing to report.

Mr. Loehr

- noted that the LCAP season is upon us; a survey is out already.
- noted that the LCAP template is different starting this year.
- noted that the district is working on a multi-tiered support plan; there will be more info on that at a later date.
- thanked everyone for the efforts for being a more inclusive district in special education. It is working but we are having some challenges.

CONSENT AGENDA

1. *This item was pulled for separate consideration.*
2. *This item was pulled for separate consideration.*
3. *This item was pulled for separate consideration.*
4. Approved Classified Personnel Transactions
5. Approved Certificated Personnel Transactions
6. Ratified 2016/2017 Individual Services Agreements:
 - 2016/17-191 Bright Futures Therapy
 - 2016/17-192 Guiding Hands
7. Ratified Professional Service Agreement: Meladee McCarty

CONSENT AGENDA (continued)

8. Approved Memorandum of Understanding (MOU) - Agreement #1013 between Sacramento County Office of Education and Center JUSD - Spinelli
9. Ratified Professional Service Agreement: A Touch of Understanding
10. Ratified Professional Services Agreement: Heartbeat CPR Educators - Oak Hill
11. Approved Sixth Grade Science Camp at Alliance Redwoods Education Center - Oak Hill
12. Approved Out-of-State Travel: Effective Transitions in Adult Education Conference in Rhode Island
13. Approved Field Trip CHS Future Business Leaders of America to FBLA Leadership Development Institute, Santa Clara, CA
14. Approved Out-of-State Field Trip: CHS Media Communications Academy to Hawaii
15. Approved Amendment 1 to Agreement with CPM for Prop 39 Planning Services
16. Approved Amendment 1 to Agreement with CPM for Facility Needs Assessment and Implementation Planning Services for Modernization Projects
17. Approved Notice of Completion for the Center High School - Proposition 39 Funded Energy Efficiency and Conservation Lighting Project - Pacific Power & Systems, Inc.
18. Approved Ground Lease Agreement: North Highlands Recreation & Park District
19. Approved Payroll Orders: July - September 2016
20. Approved Supplemental Agenda (Vendor Warrants): September 2016

Motion: Wilson
Second: Kelley

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

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION

1. Approved Adoption of Minutes from September 21, 2016 Regular Meeting
2. Approved Resolution # 9/2016-17: Resolution on Board Compensation for Missed Meeting

Motion: Wilson
Second: Anderson

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

3. Approved Restoration of Board Stipends
Trustee Wilson noted that this is just a restoration of the cut that was taken in 2008 by the board.

Motion: Wilson
Second: Kelley

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

INFORMATION ITEMS

1. Conference: "Google for Education Roseville Summit" - Thirty-one staff members from CJUSD will be attending

BUSINESS ITEMS

A. APPROVED - Second Reading: Board Policies/Regulations/Exhibits

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

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

Replace BP 6164.2 - Guidance/Counseling Services

Minor Revisions:

AR 3550 - Food Service/Child Nutrition Program

AR 6173.2 - Education of Children of Military Families

AR 7111 - Evaluating Existing Buildings

Motion: Kelley

Ayes: Anderson, Hunt, Kelley, Pope

Second: Hunt

Noes: Wilson

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

Replace E 0420.41 - Charter School Oversight

Replace BP/AR 0450 - Comprehensive Safety Plan

Replace BP/AR 0520.2 - Title I Program Improvement Schools

Delete E 0520.2 - Title I Program Improvement Schools

Replace BP 0520.3 - Title I Program Improvement Districts

Delete AR 0520.3 - Title I Program Improvement Districts

Replace BP/AR 1230 - School-Connected Organizations

Replace BP/AR 1312.3 - Uniform Complaint Procedures

Replace BP 2121 - Superintendent's Contract

Add BP/AR 3230 - Federal Grant Funds

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

Replace BP/AR 3311 - Bids

Replace AR 3440 - Inventories

Replace AR 3460 - Financial Reports and Accountability

Replace AR 3512 - Equipment

Replace BP/AR 3513.3 - Tobacco-Free Schools

Replace AR 3516.3 - Earthquake Emergency Procedure System

Replace BP 3541.2 - Transportation for Students with Disabilities

Delete AR 3541.2 - Transportation for Students with Disabilities

Replace BP/AR 3553 - Free and Reduced Price Meals

Replace BP 3555 - Nutrition Program Compliance

Replace BP 3580 - District Records

Replace BP 4112.2 - Certification

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

Replace E 4112.9/4212.9/4312.9 - Employee Notifications

Replace BP 4113 - Assignment

Replace AR 4115 - Evaluation/Supervision

Replace AR 4222 - Teacher Aides/Paraprofessionals

Delete E 4222 - Teacher Aides/Paraprofessionals

Replace BP/AR 5116.1 - Intradistrict Open Enrollment

Replace BP/AR 5121 - Grades/Evaluation of Student Achievement

Replace BP 5131.62 - Tobacco

Replace BP/AR 5145.3 - Nondiscrimination/Harassment

Replace E 5145.6 - Parental Notifications

Replace BP/AR 5145.7 - Sexual Harassment

Replace AR 6158 - Independent Study

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

Replace BP 6179 - Supplemental Instruction

Replace BP/AR 6200 - Adult Education

Add BB 9222 - Resignation

Replace BB/E 9270 - Conflict of Interest

Replace BB 9321 - Closed Session Purposes and Agendas

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

Minor Revisions:

AR 3314 - Payment for Goods and Services
AR 3515.5 - Sex Offender Notification
BP 4030 - Nondiscrimination in Employment
AR 4112 - Appointment and Conditions of Employment
BP 4112.21 - Interns
AR 4112.23 - Special Education Staff
E 4112.9/4212.9/4312.9 - Employee Notifications
BP 4117.13/4317.13 - Early Retirement Option
AR 5141.4 - Child Abuse Prevention and Reporting
AR 6158 - Independent Study
AR 6171 - Title I Programs
E(1) 9323.2 - Actions by the Board

Motion: Kelley
Second: Hunt

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

ADVANCE PLANNING

- a. *Future Meeting Dates:*
 - i. *Regular Meeting: Wednesday, November 16, 2016 @ 6:00 p.m. - District Board Room - Room 503, located at Riles Middle School, 4747 PFE Road, Roseville, CA 95747*
- b. *Suggested Agenda Items: Mr. Loehr noted that they will get a date scheduled for meeting with CPM to go over their assessments.*

ADJOURNMENT –6:53 p.m.

Motion: Wilson
Second: Anderson

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

Respectfully submitted,


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

Nancy Anderson, Clerk
Board of Trustees

Adoption Date

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site:	Personnel Department	Action Item	<u>X</u>
Date:	November 16, 2016	Information Item	<u> </u>
To:	Board of Trustees	# Attached Pages	<u>1</u>
From:	 David Grimes, Director of Personnel and Student Services		

Subject: Classified Personnel Transactions

Resignation

Anastasia Geinrikh, Instructional Assistant

Retirement

Carol Surryhne, Assistant Superintendent Secretary

Reclassification

Shelley Tompkins, Staff Secretary

New Hire

Deanna Morgan, Instructional Specialist PH/Autism
 Claudia Ramirez, Instructional Assistant
 Leah Edwards, Bus Driver

Recommendation: Approve Classified Personnel Transactions as Submitted

CONSENT AGENDA

Anastasia Geinrikh has resigned from her position as Instructional Assistant at North Country Elementary School effective October 19, 2016.

Carol Surryhne will retire from her position as Assistant Superintendent Secretary effective December 28, 2016.

Shelley Tompkins's position has been reclassified from Office Assistant to Staff Secretary at Spinelli Elementary School effective November 1, 2016.

Deanna Morgan has been hired as an Instructional Specialist PH/Autism at Center High School effective October 14, 2016.

Claudia Ramirez has been hired as an Instructional Assistant at North Country Elementary School effective November 1, 2016.

Leah Edwards has been hired as a Bus Driver effective November 2, 2016.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Personnel Department

Action Item X

Date: November 16, 2016

Information Item -

To: Board of Trustees

Attached Pages 1

From:  David Grimes, Director of Personnel and Student Services

Subject: Certificated Personnel Transaction

New Hire

Irina Petrashishina, McClellan High School

Recommendation: Approve Certificated Personnel Transaction as Submitted

CONSENT AGENDA

XIV-3

New Hire

Irina Petrashishina been hired as a part time Adult Education Teacher, McClellan High School, effective November 7, 2016.

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Personnel Department

Date: November 16, 2016

To: Board of Trustees

From: David Grimes, ^{DHG}Director of Personnel/Student Services

Action Item X

Information Item

Attached Pages

SUBJECT: MEMORANDUM OF UNDERSTANDING (MOU)

**SACRAMENTO COUNTY OFFICE OF EDUCATION
TEACHER INDUCTION PROGRAM**

David Grimes, Director of Personnel, is requesting approval from The Board of Trustees of the attached MOU between Center Joint Unified School District (CJUSD) and Sacramento Consortium Teacher Induction Program for the 2016-2017 SY.

RECOMMENDATION: Approve MOU

April 27, 2016

To: District and Partner Programs

RE: Sacramento Consortium Teacher Induction Program MOU

Dear SCOE Partner:

The Sacramento Consortium Teacher Induction Program (formerly known as BTSA) is pleased to continue our long-term partnership in supporting the region's newest teachers. Our 2016-2017 Memorandum of Understanding (MOU) between SCOE and your district/program is finalized and ready for your approval and signatures.

Highlights of the MOU include:

- General Responsibilities for SCOE and for each partner program/district
- Fiscal Responsibilities for each party
- Ownership of materials
- Compliance with Commission on Teacher Credentialing (CTC) requirements
- Indemnification of each party

2016-2017 Fee Structure:

The fee structure created last year in collaboration with the Sacramento Teacher Induction Program's Advisory Council, shall remain the same:

1. Teacher Candidate cost-for-service per year for a two-year Induction Program - \$1,800.
2. Teacher Candidate cost-for-service for each participant who has met the Early Completion Option (ECO) criteria - \$1,800.

We did make a change in consideration of Education Specialist Only Candidates: The cost-for-services for their one-year Induction Program - \$800.

Timeline for Completion of MOU Process and Billing Cycle:

- July 1, 2016 Signed MOU between partner program and SCOE due
- August 15, 2016 Estimate of candidate numbers from partner program due to SCOE
- September 15, 2016 Purchase Orders completed and sent to SCOE
- October 1, 2016 Invoices processed and sent to participating programs for payment
- Oct 2 – Dec 15, 2016 Late hire billing process as needed

We look forward to continuing our collaborative work in supporting our teachers and students. While I am sending this electronically, I would appreciate any opportunities to meet with each of you in person at your districts and sites. Please do not hesitate to call me (916-228-2236) if I can support you with any portion of the process.

I look forward to working with each of you in 2016-2017.

Marty Martinez, Director
Sacramento Consortium Teacher Induction Program

**District Memorandum of Understanding
Sacramento Consortium Teacher Induction Program, Sacramento County Office of Education
and the Center Unified School District**

The Sacramento County Office of Education (SCOE) is the Local Education Agency for SCOE's Sacramento Consortium Teacher Induction Program, formerly known as BTSA. SCOE partners with Charter, Private and District programs to administer a CTC approved two-year Teacher Induction Program (Induction Program) for General Education Multiple and Single Subject and Education Specialist Clear Credentials. This partnership is hereinafter referred to as the Consortium.

The purpose of the MOU is to establish a formal working relationship between the parties to this agreement and to set forth the operative conditions, which will govern this partnership. SCOE and the participating LEA will form a partnership in providing and coordinating services as part of the Consortium.

I. Parties

This Memorandum of Understanding (MOU) is entered between the Sacramento County Office of Education (SCOE) and the Center Unified School District to implement the Induction Program.

II. Term

The effective dates of this MOU are July 1, 2016, through June 30, 2017. It shall continue year to year thereafter unless it is terminated by either party. Either party may terminate this agreement upon written notice submitted to the Sacramento Consortium Teacher Induction Program Advisory Council (Advisory Council) no later than 180 days prior to the start of the next school year.

III. Responsibilities - General

A. SCOE shall:

1. Be responsible for ensuring that the Induction Program fulfills the applicable standards of program quality and effectiveness adopted by the Commission on Teacher Credentialing (CTC) and the California Department of Education (CDE) through the development of the Sacramento Consortium Teacher Induction Program Standards and a Sacramento Consortium Teacher Induction Program Plan. Both documents shall meet the CTC and CDE requirements.
2. Supply to the CTC and CDE reports and other information as requested on all matters related to program requirements and activities.
3. Employ staff to perform services as described in the Sacramento Consortium Teacher Induction Program Standards and budget guidelines.
4. Provide a workspace for SCOE's Induction Program staff including computer, fax access and telephone, and meeting space for program activities.
5. Develop an annual program budget.
6. Establish a payment schedule and reporting requirements for the fee for service for each eligible credential candidate.
7. Develop and establish contracts with outside vendors for professional services as needed and/or required.
8. Facilitate a process for equitable distribution of services to Induction Program credential candidates and Mentors in all Consortium partners.
9. Convene the Advisory Council and develop other administrative processes as provided for in the Sacramento Consortium Teacher Induction Program Plan.
10. Participate in program evaluation.

B. The Center Unified School District agrees to the following:

1. The district superintendent or designee will serve as the District Advisor. He/she shall provide feedback and support to SCOE's Induction Program Coordinator and serve on the Advisory Council.
2. Appoint an Induction Program Coordinator according to established guidelines to oversee all Induction Program activities within the Center Unified School District and assume the responsibilities established by the Consortium.
3. Assess credential candidates to ensure that they meet enrollment criteria. Enroll and serve eligible credential candidates according to induction requirements and criteria established by the Consortium.
4. Identify all school sites with eligible credential candidates and provide appropriate and sufficient information to all site administrators.
5. Ensure there is district/site administrator input into teachers' goals as identified in their Individual Learning Plans (ILPs).
6. Select experienced teachers as Induction Program Mentors according to established criteria including attendance at required Mentor training.
7. Ensure that a Mentor is assigned to a beginning teacher within 30-days of the teacher's enrollment in the Induction Program.
8. Mentors will meet one-to-one or in small group consultations with the credential candidate (s) as described in the program.
9. Allow for substitutes for Mentors' observations of their credential candidates.
10. Provide on-going information about Induction Program activities to the districts' governing board.

11. Participate in required program evaluation.
12. Agree to all completion requirements as stated in the approved induction program document.
13. Determine if a candidate has completed the Induction Program requirements prior to recommending a candidate for a clear credential.

IV. Responsibilities - Fiscal

- A. SCOE, in its capacity as the Induction Program's LEA, agrees to the following:
 1. Overall fiscal responsibility for the administration of the Induction Program.
 2. Develop and maintain a balanced budget that allocates amounts sufficient to meet the costs of implementing program responsibilities as described in the Sacramento Consortium Teacher Induction Program Plan.
 3. Expend income according to regularly established policies and procedures within the SCIP expenditure guidelines.
 4. Reimbursement of costs for substitutes for teachers participating in required Induction Program trainings and/or planning events.
- B. The Center Unified School District agrees to the following:
 1. Pay \$1,800 per Teacher Candidate cost-for-service fee per year of a two-year Induction Program. Center Unified School District agrees to pay the full fee unless written notice is provided to SCOE per paragraph 4 below.
 2. Pay \$1,800 cost-for-service fee for each Teacher Candidate who has met the criteria for, and has been accepted as a candidate to utilize the 18-month Early Completion Option (ECO), in lieu of the two-year program. Center Unified School District agrees to pay the full fee unless written notice is provided to SCOE per paragraph 4 below.
 3. Pay \$800 cost-for-service fee for each Teacher Candidate who is enrolled as an Education Specialist Only candidate. Center Unified School District is not obligated to provide Mentors for Education Specialist Only candidates. Center Unified School District agrees to pay the full fee unless written notice is provided to SCOE per paragraph 4 below.
 4. Provide written notice to SCOE of any Teacher Candidate who discontinues program participation. Written notice may be provided via email to dmccarron@scoe.net. SCOE will provide a refund to the Center Unified School District according to the following schedule:

Date SCOE Receives Written Notice	Amount of Refund
Jul. 1-Oct. 31	100% of Teacher Candidate fee
Nov. 1-Dec. 31	50% of Teacher Candidate fee
Jan. 1-Feb. 28	25% of Teacher Candidate fee
Mar. 1-Jun. 30	No refund

5. Designate a Fiscal Contact to maintain fiscal records related to the Center Unified School District's Induction Program and provide them to the Induction Program upon request.

V. Ownership of Materials

Any and all products developed by Induction Program are the exclusive property of the Sacramento County Office of Education. School districts, their employees, staff, and subcontractors shall not have the right to disseminate, market, or otherwise use the products without the expressed written permission of SCOE and the Consortium. SCOE and Induction Program shall have the authority to adapt and adopt materials developed by Induction Program for dissemination purposes.

VI. Compliance with CTC Requirements

Pursuant to Education Code Section 44227(a) both parties agree to adhere to the General Preconditions (requirements 1-10) established by the CTC. In addition to the Commission's ten General Preconditions, pursuant to Education Code Sections 44227(a) and 44265, each Education Specialist Clear Credential preparation program shall also adhere to requirements 11-16.

VII. Entire Contract:

This contract contains the Parties' entire written agreement. Any representations or promises not specifically detailed in this document will not be valid or binding on the Parties to this contract. Any modification to the terms of this contract must be made in writing and signed by all Parties to this contract.

VIII. Indemnification:

- A. Center Unified School District agrees to defend, indemnify, and hold harmless SCOE (including its directors, agents, officers and employees) from any claim, action, or proceeding arising from any actual or alleged acts or omissions of Center Unified School District (its director, agents, officers, or employees) in performing its duties and obligations described in this agreement or imposed by law.

SCOE agrees to defend, indemnify, and hold harmless Center Unified School District (including its directors, agents, officers

and employees) from any claim, action, or proceeding arising from any actual or alleged acts or omissions of SCOE (its director, agents, officers, or employees) in performing its duties and obligations described in this agreement or imposed by law.

B. Each party shall be responsible for maintaining the confidentiality of employee data to the extent required by law. If either party fails to comply with this requirement it shall hold the non-offending party harmless and indemnify that party for the breach of confidentiality.

C. The principals of comparative fault shall govern this agreement. This provision shall survive the termination of this agreement.

IX. Independent Agents:

This MOU is by and between two independent agents and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture and/or association. The employees and agents of each party shall not be entitled to the employment benefits of the other by virtue of this agreement. Each party shall remain responsible for worker's compensation and other employment laws for their respective employees.

X. Nondiscrimination Clause:

Any service provided by either party pursuant to this agreement shall be without discrimination based on the actual or perceived race, religious creed, color, national origin, nationality, ethnicity, ethnic group identification, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, gender, gender identity, gender expression, sex, or sexual orientation, in accordance with all applicable Federal and State laws and regulations.

XI. Execution of Agreement:

This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Photographic copies of such signed counterparts may be used in lieu of the originals for any purpose.

XII. Signatures:

By affixing its signature to this Contract, each Party warrants and represents that each has the authority to enter into this contract and to perform all obligations under the contract, and further that the signatory of this contract is authorized to legally bind the Party.

By: _____
Signature of Authorized Official
Sacramento County Office of Education

Title: Program Director

Date: _____

By: _____
Signature of Authorized Official
Center Unified School District
Title: Superintendent

Date: 11/2/16

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Center Adult School

Action Item X

To: Board of Trustees

Information Item

Date: 11/16/2016

Attached Pages X

From: David French

Principal's Initials: DF

SUBJECT

Salary increase and revision of Adult Education provisions of employment retroactive to July 1, 2016.

The provisions of employment are revised to comply with the Affordable Care Act.

With the release of the state block grant for adult education, adult education teacher salaries across the state and region have increased over the past year to both attract personnel to the field and to provide compensation commiserate to education and experience. For example, the top adult education teacher salary in Twin Rivers School District is currently \$46.16/hour as compared with CJUSD at \$33.10. This rate is also below the hourly rate for extra duty for CJUSD K-12 teachers providing poor incentive to teach additional classes in the adult education program. The new rate will bring the highest hourly rate to the same as the teacher extra duty pay of \$37.13/hour. **RECOMMENDATION: Approve**

CONSENT AGENDA

CENTER JOINT UNIFIED SCHOOL DISTRICT ADULT EDUCATION CERTIFICATED TEACHERS

Adult education teachers in CJUSD are at will employees and are not eligible for membership in the CUTA Union. At any time class enrollment falls below a viable number of students as determined by the adult school administrator, the contracted time for teachers can be reduced or teacher released.

Teachers paid on a salary determination are responsible for up to 3 hours per month of required meetings beyond their regularly scheduled assignment at no additional compensation. A required meeting is one in which at least one week notice is given to allow the employees to arrange their schedule to attend. This time does not count toward placement on the salary schedule.

A year is based on the fiscal year, July 1-June 30. A full time adult education teacher is allocated 10 sick/personal days per year. Full time is defined as 1281 or more hours per year. One day is equal to 7 hours. Sick/personal days are calculated by the hour and prorated based on percentage of full time per salary determination. The rollover policy is the same as for the K-12 teachers.

Teachers paid based on a time sheet are responsible for up to two hours per month of required meetings beyond their regularly scheduled assignment, but will add the time to their time sheets.

Teachers paid on a time card are not paid for sick or personal days.

Extra duty pay must be pre-authorized by the adult education administrator. Preparation time for teachers working on a time sheet will be recorded on the time sheet at a ratio of 6:1 of instructional hours.

The benefit plan will be:

Adult Education teachers who are on a salary determination and are assigned to work a regular schedule between 18.5-30 hours or more in a five day work week are eligible to receive the same vision, dental, and life insurance benefits received by full time CJUSD K-12 teachers. Adult Education teachers who are on a salary determination and are assigned to work a regular schedule of 30 hours or more in a five day work will receive the same Health and Welfare benefits received by CJUSD K-12 teachers prorated to full time. Full time for Adult Education teachers will be 35 hours per week.

Salary Determination

In order to advance a Step on the salary schedule, an employee must be on salary determination and have worked for at least 540 hours during the previous school year.

Teachers who are on contract in CJUSD to teach in a k-12 assignment and also teach in the adult ed. program will be compensated based on a timesheet at the CJUSD teacher extra duty hourly rate.

Adult ed. teachers will follow the same procedures required of CJUSD K-12 teachers for verification of units.

Career/Technical Education teachers compensated through state funds must hold a California teaching credential for the courses taught.

Vocational or Trade Experience means full-time or part-time experience directly related to the subject named on the teacher's credential. Experience may be paid or not paid. No more than one year of experience shall apply toward salary placement on the salary schedule during any twelve calendar month period. 1500 clock hours shall be the minimum required for each year of experience. Part-time experience may be cumulated to equate to the required 1500 clock hours of experience to be credited as one year.

Vocational or Trade experience must be related to the subject named on the teaching credential. Verification of experience means written confirmation of the applicant's qualifying experience, signed by the teacher's past or present employer(s) on company letterhead that attests to and includes all of the following:

1. Employer's name, address, and telephone number.
2. The working relationship of the person signing the verification to the applicant.
3. Beginning and ending dates of employment.
4. Complete description of duties.
5. A statement as to whether or not the employment was full-time (If employment was less than full-time, include an accounting of the number of hours the applicant was employed.)

If the teacher is self-employed, verification shall include a statement signed by the applicant under penalty of perjury, detailing the information described in 1-5 above. Further substantiation is required in writing, by other person(s) having first-hand knowledge of the applicant's self-employment such as the applicant's accountant, major supplier of goods, or major user of goods or services.

Salary determinations will be made:

The summer preceding each new school year.

At time of hire if hired during the school year and scheduled for at least 10.5 hours per week.

At any time there is a reduction in the assigned works hours for any reason.

Extra duty pay will be at the same hourly rate as the employee's regular salary per the adult ed. salary schedule. If additional classes are added to a teacher's schedule after initial salary determination, that time will be paid based on a time sheet, and will count toward advancement on the salary schedule. It will not count toward the formula used to calculate percentage of benefits for the current year.

Salary Schedule for Center Adult School Certificated Teachers

2016/2017

Salary Determination Based on 1281 hrs/year

STEP	CLASS A BA or Std. Desgn. Cred. with 2yrs. Voc. Or Trade Exp.	CLASS B BA + 15 or Std. Desgn. Cred. With 5 Yrs. Voc or Trade Exp.	CLASS C BA + 30 or Std. Desgn. Cred. With 8 Yrs. Voc. Or Trade Exp.	CLASS D BA + 45 or Std. Desgn. Cred. With 11 Yrs. Voc. Or Trade Exp.	CLASS E BA + 60 or Std. Desgn. Cred. With 14 Yrs. Voc. Or Trade Exp.
1	40,595	41,407	42,235	43,080	43,942
2	41,407	42,235	43,080	43,942	44,821
3	42,235	43,080	43,942	44,821	45,717
4	43,080	43,942	44,821	45,717	46,631
5	43,942	44,821	45,717	46,631	47,564

Hourly Rate

STEP	CLASS A BA or Std. Desgn. Cred. with 2yrs. Voc. Or Trade Exp.	CLASS B BA + 15 or Std. Desgn. Cred. With 5 Yrs. Voc or Trade Exp.	CLASS C BA + 30 or Std. Desgn. Cred. With 8 Yrs. Voc. Or Trade Exp.	CLASS D BA + 45 or Std. Desgn. Cred. With 11 Yrs. Voc. Or Trade Exp.	CLASS E BA + 60 or Std. Desgn. Cred. With 14 Yrs. Voc. Or Trade Exp.
1	31.69	32.32	32.97	33.63	34.30
2	32.32	32.97	33.63	34.30	34.99
3	32.97	33.63	34.30	34.99	35.69
4	33.63	34.30	34.99	35.69	36.40
5	34.30	34.99	35.69	36.40	37.13

\$500 annual for Masters and/or Doctorate Degrees

Credit for years served will be given all current credentialed adult ed. employees.

K-12 District teachers teaching adult classes in addition to their K-12 contract will be compensated based on a timesheet at the CUTA negotiated extra duty rate .

The rate of reimbursement for teachers of fee based and CTE courses will be negotiated on a case by case basis.

ADULT EDUCATION CLASSIFIED STAFF

Adult education classified employees in CUSD are at will employees and are not eligible for membership in the CSEA Union. For the purpose of advancement on the pay schedule, an employee must have worked for at least 540 hours during the regular school year. A year is from July 1-June 30.

With the exception of a childcare provider, classified staff will be paid at the same rate as the CUSD K12 program. Classified employees who also work in the K-12 program in the same classification will be paid at the same rate as they are in the K-12 program. If their Adult Ed. classification is different, they will be paid according to the Adult Ed. classification.

The current benefit plan will be modified to be:

Adult Ed. classified employees who are on a salary determination and are assigned to work a regular schedule of 18.5 hours or more in a five day work week in the adult education program are eligible to receive the same vision, dental, and life insurance benefits received by the CUSD K-12 classified staff.

A full time adult education classified employee on a wage determination is allocated the same sick/personal days as the CUSD K-12 classified staff. Sick/personal days are allocated by hour. The rollover policy is the same as for the K-12 staff.

Wage determinations will be made:

The summer preceding each new school year.

At time of hire if hired during the school year and scheduled for at least 10.5 hours per week.

At any time there is a reduction in the assigned works hours for any reason.

The position of Childcare provider will be paid on the following hourly wage schedule:

Hourly Wage Schedule for Adult Ed. Childcare provider					
1	2	3	4	5	6
\$11.00	\$11.00	\$11.00	\$11.45	\$12.01	\$12.61

Credit for years served will be given all current classified adult ed. employees.

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Special Education

Date: November 1, 2016

Action Item X

To: Board of Trustees

Information Item

From: Scott Loehr, Superintendent

Attached Pages

Initials: S.L.

SUBJECT: 2016/2017 Individual Services Agreements

Please ratify the following Individual Services Agreements for special education to receive services at nonpublic schools/agencies during the 2016/17 fiscal year.

2016/17-194	Maxim Healthcare Services	\$ 57,812.50
2016/17-195	ARS	\$ 1,062.50
2016/17-196	CTEC	\$ 2,580.00
2016/17-197	CTEC	\$ 2,580.00

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

CONSENT AGENDA

Center Joint Unified School District

Dept./Site: Instructional Services AGENDA REQUEST FOR:

Date: November 16, 2016 Action Item

To: Board of Trustees Information Item X

From: Rebecca Lawson *RLL* # Attached Pages 1
Coordinator of C&I

SUBJECT: Surplus Books

The following books are to be recycled and/or disposed of due to information no longer current: All books are English books: Holt or McDougal Little. 463 books.

Holt English books: Various – Handbooks, Literature & Language, Focus on CAHSEE, Universal Access Gr 10 & 11, All Level 4 & 5 Teaching Book Sets.

McDougal Littell English books: Grammar for Writing Gr 10 & 11.

These books were offered to Follett Educational Services 10/14/2016. They are not interested in these books or materials.

RECOMMENDATION: The Center Joint Unified School District Board of Trustees approves the above listed books to be recycled/discarded.

emailed/scanned
REC'D OCT 14 2016 10:10 am
DC

Discarded/ Surplus Curriculum to be returned to District Warehouse

Submitted by: Kim Baioni
Site Administrator Approval: [Signature]
District Administrator Approval: _____

Date: 9/30/16
Date: 9-30-16
Date:

Center Joint Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Instructional Services	Action Item <u>X</u>
To: Board of Trustees	Information Item _____
Date: November 16, 2016	# Attached Pages _____
From: Scott Loehr, Superintendent	
Principal/Administrator Initials: _____	

<p>SUBJECT: Agreement for Consulting Services Positive Behavioral and Supports</p> <p>This contract is for PBIS (Positive Behavioral Interventions and Supports) Training between Placer County Office of Education and Center Joint Unified School District.</p> <p>RECOMMENDATION: The CJUSD Board of Trustees approve the Agreement for Consulting Services - Positive Behavioral Interventions and Supports.</p>
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CONSENT AGENDA

AGREEMENT FOR PCOE CONSULTING SERVICES

This agreement ("Agreement") for consulting services offered by Placer County Office of Education, "Consultant", is entered into between Gayle Garbolino-Mojica, Placer County Superintendent of Schools, in her capacity as the Chief Executive Officer of the Placer County Office of Education ("PCOE") and Center Joint Unified School District("Agency"). This Agreement is effective when signed by PCOE and Agency and for reference only is dated September 26, 2016.

1.0 SCOPE OF SERVICES

Consultant shall provide the following specialized consulting services to Agency: Provide Positive Behavioral Interventions and Supports trainings (see Attachment A for breakdown of yearly costs and additional fees for individualized makeup training dates as needed). These services to be provided by Consultant may be further described in Attachment A which is attached hereto and is incorporated herein by this reference.

2.0 FEES

Agency shall pay Consultant for all specialized services set forth herein for the amount as determined on Attachment A. Any reimbursement rate or amount for expenses such as travel, materials, copying etc. shall be described in Section 7.0 and further outlined on the fee schedule herein referred to as Attachment A. All fees for services and any reimbursement for expenses shall be paid directly to PCOE.

3.0 RECORDS

Any records shall be maintained and stored by the Agency as may be required by the Education Code or other legal mandate. Copies of records may also be maintained and stored by PCOE.

4.0 WORK PRODUCT

All work product including intellectual property, such as trade secrets and copyrights, documents, records, files and supporting data accumulated, prepared and/or distributed by Consultant within the course and scope of this Agreement shall be as specified below the property of:

- a. ☒ PCOE _____
 b. ☐ Agency _____

c. ☐ Not Applicable _____

5.0 TERM

The term of this Agreement shall be from July 1, 2016 through June 30, 2017.

6.0 TERMINATION

Either party may terminate this Agreement by giving the other party at least thirty (30) calendar days written notice. In the event of the early termination of this Agreement, Consultant shall be paid for all work performed and all reasonable expenses incurred up to and including the date of termination.

7.0 PAYMENT

PCOE will invoice Agency annually after first day of training for any specialized services rendered as outlined in Attachment A. Agency will pay PCOE within 30 days after receipt of invoice.

8.0 AMENDMENTS

Any amendments to this Agreement shall be in writing and signed by both parties.

9.0 INDEMNIFICATION

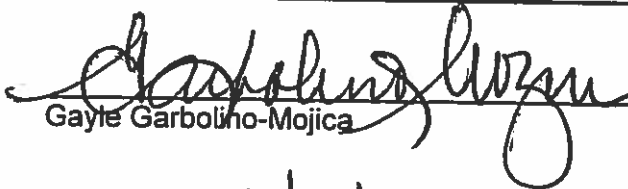
Both parties agree to indemnify and hold harmless each other, their agents, officials, officers and employees from and against any and all actions, claims, damages (including but not limited to death, bodily injury, or property damage), liabilities, losses, or expenses of whatsoever kind, name or nature, including legal costs and attorneys' fees, whether or not suit is actually filed, and any judgments rendered against the other party and/or its agents, officials, officers, or employees that may be asserted or claimed by any person, firm or entity arising out of or in connection with the party's performance or the performance of its agents, officials, officers, or employees, including any acts, errors, or omissions of the party's its agents, officials, officers or employees.

10.0 ENTIRE AGREEMENT

This Agreement constitutes the entire agreement and understanding of the parties. There are no oral understandings, terms or conditions, and no party has relied upon any representation, express or implied, that are not otherwise contained in this Agreement. All prior understandings, terms or conditions are deemed merged into this Agreement.

IN WITNESS WHEREOF, the parties do hereby certify that they are duly authorized to execute this Agreement.

PLACER COUNTY SUPERINTENDENT OF SCHOOLS


Gayle Garbolino-Mojica

Date

10/20/16

AGENCY – CENTER JOINT UNIFIED SCHOOL DISTRICT

(Signature of Agency Representative)

Date

Title

AGENDA ITEM # XIV-9

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Family Resource Center

Action Item X

To: Board of Trustees

Information Item

Date: 8/4/2016

Attached Pages 11

From: Alyson Collier

Principal's Initials: AC

SUBJECT

Approve MOU between Sacramento County of Education (SCOE) and CJUSD to partner on Bullying Prevention grant project.

RECOMMENDATION: Approve

AGENDA ITEM # XIV-9

CONSENT AGENDA

MEMORANDUM OF UNDERSTANDING Agreement #6 CJUSD-BPP

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

The purpose of this MOU is to outline the roles and responsibilities of SCOE and the District in regard to implementing the *Student Mental Health Wellness Education and Training Bullying Prevention Program (Program)*. The purpose of the Program is to maintain and/or further increase the capacity of districts to implement sustainable bullying prevention programs and strategies by providing training, demonstration sites, technical assistance and support.

Once signed by both parties, this MOU is in effect from **July 1, 2016 through June 30, 2017**.

The SCOE agrees to:

- Provide a primary contact person for all work under this agreement. The primary contact will be:
Diane Lampe, Coordinator
916.228.2542
dlampe@scoe.net
- Provide funding in the amount of **\$10,885** to support the District's Bullying Prevention program.
 - Pay funds to District within 90 days of receipt of District invoice
- Convene meetings and provide consultation, professional development, technical assistance and support.
- Coordinate with District and demonstration site(s) to implement the Program evaluation plan and related tools.
- Maintain a website to provide bullying prevention resources and information for students, school personnel, parents and community members.

The District agrees to:

1. Identify a "District Lead" to act as the point of contact and coordinate activities of the Bullying Prevention Program.
2. Continue adherence to the eligibility requirements used to establish demonstration site(s) as outlined on page three (3)
3. **Maintain *original*** demonstration site(s) to continue implementation of an evidence-based, research validated bullying prevention program for 4th 5th and/or 6th graders.
4. **For *original*** demonstration site(s), participate in Program evaluation and reporting, including but not limited to, collecting attendance rates for demonstration site(s), documentation of student demographics, participate in surveys related to the Program, and administer Program related surveys to students, parents and staff.
5. **When feasible**, expand implementation to include additional grade levels and/or sites. Report the number of expansion sites/grade levels, curriculum used, and number of students served.
6. Provide bullying prevention professional development opportunities and refresher trainings in the District for administrators, teachers, support staff, and parents.
7. Attend mandatory meetings, trainings and other events.
8. Disseminate electronic updates, information, and other resources, and promote usage of the BPP website to school community.
9. Submit a copy of the District Board Policy and Administrative Regulations related to Bullying/Bullying Prevention.
10. Submit a Program work-plan and budget that describes how the allocated funds will be used to implement the Bullying Prevention Program.
11. Submit quarterly reports of activities conducted by district personnel and demonstration site(s) by the 10th day of the month following the end of each quarter.

12. Invoice SCOE quarterly by the 15th day of the month following the end of each quarter.
13. Expend all funds by June 30, 2017. Submit final report and final invoice to SCOE no later than July 31, 2017.

Indemnity Statement and Agreements

Each party hereto agrees that they shall indemnify, defend and hold the other party and their governing body, officers, agents and employees, harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney fees and costs, incurred in connection with or in any manner arising out of the indemnifying party's performance of this Agreement. The indemnifying party, at the indemnifying party's own expense and risk shall defend any and all actions, suits, or other legal proceedings that may be brought or instituted against any other party, the members of their governing body, officers, agents, and employees for any such claims, damages, losses, demands, liabilities, costs or expenses incurred in connection with or in any manner arising out of the indemnifying party's performance of this Agreement. The indemnifying party shall not be liable for damage or injury occasioned by the sole negligence or willful misconduct of the non-indemnifying party and its officers, agents, or employees. This provision shall not be limited to the availability or collectability of insurance coverage.

It is understood no relationship of agency between SCOE and the District is created by this MOU. The SCOE and its employees and agents performing services related to this MOU are not agents or employees of the District and are not entitled to any of the rights and/or benefits of District employees. The District and its employees and agents performing services related to this MOU are not agents or employees of the SCOE and are not entitled to any of the rights and/or benefits of SCOE employees.

In the performance of this MOU, any persons employed by the District shall be entirely and exclusively under the direction, supervision, and control of the District. In the performance of this MOU, any persons employed by the SCOE shall be entirely and exclusively under the direction, supervision, and control of the SCOE.

Neither SCOE nor the District shall have any power, right or authority to bind the other to any agreement or obligation or waiver, compromise or settle any account or claim on behalf of the other, or in any manner or act on behalf of the other without written authorization to do so.

The SCOE and the District shall monitor this agreement to oversee implementation of project activities.

**For the Sacramento County Office of
Education:**

Mark Vigario, Assistant Superintendent
Educational Services

For the Center Joint Unified School District:

Scott A. Loehr, Superintendent *(or print name of Designee)*

Signature and Date

Signature of Superintendent (or Designee) and Date

Demonstration Sites Criteria

1. **Demonstrated Need** – the school site has need for a bullying prevention program; the district provides supporting evidence.
2. **Demonstrated Strengths** – the site has strengths and capacity that will support the successful implementation of a bullying prevention program; the district provides supporting evidence.
3. **Willingness and Agreement to Implement from Administration and Staff** – the district submits a signed letter of support from the site administrator(s) and school staff.
4. **Under-served Cultural Populations** – the site serves students and families of diverse cultural and ethnic backgrounds; district provides evidence.
5. **Students at Risk** – the student population or groups of students at the site are at risk for bullying; the district provides evidence.

AGENDA ITEM # XIV-10

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Family Resource Center

Action Item X

To: Board of Trustees

Information Item

Date: November 16, 2016

Attached Pages 2

From: Alyson Collier

Principal's Initials: 

SUBJECT

MOU with Sacramento County Office of Education to implement Youth Mental Health First Aid mini grant.

The purpose of the program is to train school community members in effective techniques with which to identify and help youth experiencing a mental health challenge, mental disorder

RECOMMENDATION: Approve

AGENDA ITEM # XIV-10

CONSENT AGENDA

MEMORANDUM OF UNDERSTANDING Agreement #1 CJUSD-YMHFA

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

The purpose of this MOU is to outline the roles and responsibilities of SCOE and the District in regard to implementing the *Student Mental Health and Wellness Education and Training Youth Mental Health First Aid Program (Program)*. The purpose of the Program is to maintain and/or further increase the capacity of districts to educate teachers, school staff, caregivers and/or others on how to help adolescent's ages 12-18 who are experiencing mental health or addiction challenges or crisis.

Once signed by both parties, this MOU is in effect from **July 1, 2016 through June 30, 2017**.

The SCOE agrees to:

- Provide a primary contact person for all work under this agreement. The primary contact will be:
Diane Lampe, Coordinator
916.228.2542
dlampe@scoe.net
- Provide funding in the amount of **\$3,460** to support the District's Youth Mental Health First Aid training program.
 - Pay funds to District within 90 days of receipt of District invoice
- Convene meetings and provide consultation, professional development, technical assistance and support.
- Provide electronic Master templates for attendee sign-in sheet, pre-/post quiz, course evaluation and Sacramento County Mental Health Resources.
- Coordinate with District to implement the Program and collect training evaluations and related documents.
- Maintain a cadre of certified Youth Mental Health First Aid (YMHFA) Instructors.

The District agrees to:

1. Identify a "District Lead" to act as the point of contact and coordinate courses for the Youth Mental Health First Aid Program.
2. Coordinate three (3) Youth Mental Health First Aid courses, including scheduling, facility acquisition, audio-visual equipment, duplication of training materials, etc.
3. Notify SCOE of scheduled course offerings.
4. Use the *Youth Mental Health First Aid USA: For Adults Assisting Young People* national curriculum with fidelity.
5. Follow National Council for Behavioral Health (NCBH) recommendation of enrolling at minimum 15, but no more than 30 participants per course.
6. Administer the *YMHFA Course Quiz* as both a pre- and post-test.
7. Have course participants complete the *YMHFA Course Evaluation Form* (paper version).
8. Submit to SCOE copies of the course sign-in sheet, pre- and post-*YMHFA Course Quiz*, *YMHFA Course Evaluation Forms* and *Evaluation Feedback* (.csv Excel document from the MHFA website) within two (2) weeks of each course being completed.
9. Invoice SCOE quarterly by the 15th day of the month following the end of each quarter.
10. Expend all funds by June 30, 2017. Submit a final invoice to SCOE no later than July 31, 2017.

General Terms

Each party hereto agrees that they shall indemnify, defend and hold the other party and their governing body, officers, agents and employees, harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney fees and costs, incurred in connection with or in any manner arising out of the indemnifying party's performance of this Agreement. The indemnifying party, at the indemnifying party's own expense and risk shall defend any and all actions, suits, or other legal proceedings that may be brought or instituted against any other party, the members of their governing body, officers, agents, and employees for any such claims, damages, losses, demands, liabilities, costs or expenses incurred in connection with or in any manner arising out of the indemnifying party's performance of this Agreement. The indemnifying party shall not be liable for damage or injury occasioned by the negligence or willful misconduct of the non-indemnifying party and its officers, agents, or employees. This provision shall not be limited to the availability or collectability of insurance coverage.

It is understood no relationship of agency between SCOE and the District is created by this MOU. The SCOE and its employees and agents performing services related to this MOU are not agents or employees of the District and are not entitled to any of the rights and/or benefits of District employees. The District and its employees and agents performing services related to this MOU are not agents or employees of the SCOE and are not entitled to any of the rights and/or benefits of SCOE employees.

In the performance of this MOU, any persons employed by the District shall be entirely and exclusively under the direction, supervision, and control of the District. In the performance of this MOU, any persons employed by the SCOE shall be entirely and exclusively under the direction, supervision, and control of the SCOE.

Neither SCOE nor the District shall have any power, right or authority to bind the other to any agreement or obligation or waiver, compromise or settle any account or claim on behalf of the other, or in any manner or act on behalf of the other without written authorization to do so.

Any service provided by either party pursuant to the Agreement shall be without discrimination based on the actual or perceived race, religious creed, color, national origin, nationality, ethnicity, ethnic group identification, ancestry, age marital status, pregnancy, physical or mental disability, medical condition, genetic information, gender, gender identity, gender expression, sex or sexual orientation, in accordance with all applicable Federal and State laws and regulations.

The SCOE and the District shall monitor this agreement to oversee implementation of project activities.

**For the Sacramento County Office of
Education:**
Mark Vigario, Assistant Superintendent
Educational Services

For the Center Joint Unified School District:
Scott A. Loehr, Superintendent (or print name of Designee)

Signature and Date

Signature of Superintendent (or Designee) and Date

AGENDA ITEM # XIV-11

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Family Resource Center

Action Item X

To: Board of Trustees

Information Item

Date: 8/4/2016

Attached Pages 11

From: Alyson Collier

Principal's Initials: 

SUBJECT

Approve MOU with the Child Abuse Prevention Center (CAPC) and Center JUSD to partner on AmeriCorps grant to provide mentoring for CJUSD students.

RECOMMENDATION: Approve

AGENDA ITEM # XIV-11

CONSENT AGENDA



AMERICORPS MEMORANDUM OF UNDERSTANDING

1. This MOU is entered into between the Child Abuse Prevention Council of Sacramento ("CAPC") and the Subrecipient named below: Center Joint Unified School District	
2. Subrecipient's D-U-N-S Number: 603908161	
3. CFDA Name: AmeriCorps	
4. CFDA Number: 94.006	
5. The Term of this MOU is: September 1, 2016 through August 31, 2017	
6. The maximum amount of this MOU shall not exceed: \$38,950.00	
7. Number of 1,700-hour AmeriCorps members to be enrolled and retained: 2	
8. Number of 900-hour AmeriCorps members to be enrolled and retained: 0	
9. Last date to enroll 1,700-hour AmeriCorps members: 10/16/16	
10. Last date to enroll 900-hour AmeriCorps members: N/A	
11. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of this MOU:	
Exhibit A:	2016 Terms and Conditions for AmeriCorps State and National Grants, incorporated into this AmeriCorps MOU by reference and obtainable at: http://www.nationalservice.gov/resources/terms-and-conditions-cnccs-grants
Exhibit B:	45 CFR Chapter XXV, Sections 2520 – 2550, incorporated into this AmeriCorps MOU by reference and obtainable at: http://www.ecfr.gov/cgi-bin/text-idx?ID=9e5466ae66b0b60241f448502b41433b&mc=true&tpl=/ecfrbrowse/Title45/45chapterXXV.tpl
Exhibit C:	2016/2017 Youth Investment Center Performance Measures
Exhibit D:	CAP Center AmeriCorps Supervisor Program Manual 2016-2017, incorporated into this AmeriCorps MOU by reference and obtainable at: http://www.capamericorps.weebly.com
12. Program Year: 2016/2017	
SUBRECIPIENT:	
CHILD ABUSE PREVENTION COUNCIL OF SACRAMENTO ("CAPC")	
_____ Scott Loehr, Superintendent	_____ Sheila Boxley, President and CEO
_____ Date	_____ Date
8408 Watt Avenue Antelope, CA 95843	4700 Roseville Road, Suite 102 North Highlands, CA 95660

The purpose of this MOU is to establish a working relationship between **CAPC** and **SUBRECIPIENT**, and to set forth the operative conditions which will govern this partnership. This MOU will provide and coordinate AmeriCorps membership as part of the Youth Investment Center ("Y.I.C.") program. Participation in this partnership will allow **SUBRECIPIENT** to become a part of the Y.I.C. program which is endorsed by CaliforniaVolunteers ("CV") and supported by the Corporation for National and Community Service ("CNCS").

Y.I.C. is a federally funded AmeriCorps program. Individuals enrolled to provide service under Y.I.C. will be known as AmeriCorps members, and are the resource being provided. Y.I.C. utilizes AmeriCorps in order to provide AmeriCorps Members to Y.I.C. partners. Y.I.C. AmeriCorps members provide life skill activities to youth (including foster youth) to prepare them for their transition towards a successful adulthood.

It is expressly understood and agreed by the parties as follows:

I. Termination

Either party may terminate this MOU in sixty (60) days of providing written notice of intention to terminate the agreement.

II. Drug Free Workplace

The parties agree to abide by and implement the statutory requirements of 45 C.F.R. Chapter XXV Sections 2545.205 – 2545.230, and 2545.610 – 2545.670 regarding a drug free workplace.

III. Prohibited Activities

A. CNCS Prohibited Activities

1. Supplantation. CNCS assistance may not be used to replace State and local public funds that had been used to support programs of the type eligible to receive CNCS support.
2. Religious use. CNCS assistance may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.
3. Political activity. CNCS assistance may not be used by program participants or staff to assist, promote, or deter union organizing; or finance, directly or indirectly, any activity designed to influence the outcome of a Federal, State, or local election to public office.
4. Contracts or collective bargaining agreements. CNCS assistance may not be used to impair existing contracts for services or collective bargaining agreements.
5. Nonduplication. CNCS assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (6) of this section are met, CNCS assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides.

6. Nondisplacement.
 - a. **SUBRECIPIENT** may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving CNCS assistance.
 - b. **SUBRECIPIENT** may not displace a volunteer by using a participant in a program receiving CNCS assistance.
 - c. A service opportunity will not be created under this section that will infringe in any manner on the promotional opportunity of an employed individual.
 - d. An AmeriCorps member in a program receiving CNCS assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.
 - e. An AmeriCorps member in any program receiving assistance under 45 CFR Chapter XXV §2540.100 may not perform any services or duties, or engage in activities, that—
 - (1). Will supplant the hiring of employed workers; or
 - (2). Are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.
 - f. An AmeriCorps member in any program receiving assistance under 45 CFR Chapter XXV §2540.100 may not perform services or duties that have been performed by or were assigned to any—
 - (1). Presently employed worker;
 - (2). Employee who recently resigned or was discharged;
 - (3). Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;
 - (4). Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or
 - (5). Employee who is on strike or who is being locked out.
 - g. **SUBRECIPIENT** (or its contractor) must, at minimum, conduct and document consultation with the appropriate local labor organization, if any, representing employees in the area where AmeriCorps members and unionized employees are engaged in the same or similar work as that proposed to be carried to ensure compliance with the nondisplacement requirements specified in section 12637 of the National and Community Service Trust Act.
7. While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and AmeriCorps members may not engage in the following activities:
 - a. Attempting to influence legislation;
 - b. Organizing or engaging in protests, petitions, boycotts, or strikes;
 - c. Assisting, promoting, or deterring union organizing;

- d. Impairing existing contracts for services or collective bargaining agreements;
 - e. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
 - f. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
 - g. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
 - h. Providing a direct benefit to:
 - (1). A business organized for profit;
 - (2). A labor union;
 - (3). A partisan political organization;
 - (4). A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
 - (5). An organization engaged in the religious activities described in paragraph (g) of this section, unless CNCS assistance is not used to support those religious activities;
 - i. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;
 - j. Providing abortion services or referrals for receipt of such services; and
 - k. Such other activities as CNCS may prohibit.
- 8. AmeriCorps members may not raise funds for living allowances or for an organization's general (as opposed to project) operating expenses or endowment.
 - 9. AmeriCorps members may not write a grant application to CNCS or to any other Federal agency.
 - 10. Individuals may exercise their rights as private citizens and may participate in the activities listed in Section III.A.7.a.-k. on their own initiative, on non-AmeriCorps time, and using non-CNCS funds. Individuals should not wear the AmeriCorps logo while doing so.
 - 11. Additionally, **CAPC** requests that members do not otherwise identify themselves as AmeriCorps members if engaging in any of the activities listed in Section III.A.7.a.-k. on their own time.
- B. CAPC Prohibited Activities.**
- 1. AmeriCorps members may not engage in, and therefore, not record hours in fundraising activities while serving in the AmeriCorps program.
 - 2. **SUBRECIPIENT** must not employ **SUBRECIPIENT's** AmeriCorps members in any capacity while **SUBRECIPIENT's** AmeriCorps members are providing service under a **CAPC** Member Contract.
 - 3. **SUBRECIPIENT's** AmeriCorps members must not transport clients, children, and/or families in their personal automobile during service hours

unless authorized by **CAPC**, **SUBRECIPIENT**, **SUBRECIPIENT's** contractor (if applicable), and the Service Site in writing.

4. **SUBRECIPIENT's** AmeriCorps members must not have contact with clients during non-service hours. Exceptions will only be made with the prior written approval of **SUBRECIPIENT**, **CAPC**, and the Service Site.
5. **SUBRECIPIENT's** AmeriCorps members must not participate in gambling during service hours.
6. **SUBRECIPIENT's** AmeriCorps members must not steal/take AmeriCorps or Service Site property, or the property of another.
7. During service hours or while in uniform, **SUBRECIPIENT's** AmeriCorps members must not purchase, consume, or serve alcohol or drugs at any time.

IV. Disallowed Costs

Costs incurred under this MOU that are deemed "unallowable" may be disallowed. **SUBRECIPIENT** shall be financially responsible for such disallowed costs if **SUBRECIPIENT**:

- A. Incurred the cost without previous approval from **CAPC**; and/or
- B. Failed to verify the authenticity of information that resulted in the disallowed cost (e.g., fraudulent reporting in AmeriCorps member timesheets).

V. Audit

The parties shall be subject to the examination and audit of the State Auditor General for a period of three (3) years after the final payment under this MOU.

VI. Nonrenewal

SUBRECIPIENT acknowledges that there is no guarantee that **CAPC** will renew **SUBRECIPIENT's** services under a new MOU following expiration or termination of this MOU.

VII. Grievance Procedure

CAPC maintains a grievance procedure that is available to resolve issues for AmeriCorps members and other interested parties. **SUBRECIPIENT** and **SUBRECIPIENT's** AmeriCorps members are required to follow **CAPC's** grievance procedure which is listed in the 2016-2017 CAP Center AmeriCorps Supervisor Program Manual.

VIII. CAPC Responsibilities

As the legal applicant and/or administrator, **CAPC** will:

- A. Ensure compliance with federal regulations regarding AmeriCorps.
- B. Ensure the fiscal administration of all funding from CNCS and CV.
- C. Participate in a Single Audit, pursuant to Subpart E, 2 C.F.R. Part 200.400.
- D. Manage all administrative functions in CNCS' online database, eGrants.
- E. Develop common confidentiality guidelines to share information between **SUBRECIPIENT**, Y.I.C., and the AmeriCorps members to the extent permitted by the Welfare and Institutions Codes governing client confidentiality
- F. Obtain and administer Workers' Compensation insurance for **SUBRECIPIENT's** AmeriCorps members.
- G. Develop AmeriCorps member position descriptions that reflect the service to be provided by **SUBRECIPIENT's** AmeriCorps members.

- H. Conduct training conferences and coordinate monthly meetings for AmeriCorps Service Site Supervisors.
- I. Review and approve the eligibility of each of **SUBRECIPIENT's** AmeriCorps candidates prior to a position being offered.
- J. Conduct National Service Criminal History Checks on AmeriCorps candidates meeting the requirements of 45 C.F.R. Chapter XXV, Sections 2540.200 – 207, and respond to any Subsequent Arrest Notifications received from CA DOJ.
- K. Conduct Enrollment Workshops and provide Orientation to each of **SUBRECIPIENT's** AmeriCorps members.
- L. Produce and distribute Member Contracts/Member Handbooks to each of **SUBRECIPIENT's** AmeriCorps members.
- M. Produce, maintain, and audit a Member File for each of **SUBRECIPIENT's** AmeriCorps members.
- N. Provide AmeriCorps administration support to AmeriCorps Service Site Supervisors and AmeriCorps members.
- O. Coordinate AmeriCorps Member benefits including: living allowance and associated income tax withholding; healthcare, child care, and Segal AmeriCorps Education Award (subject to AmeriCorps member eligibility).
- P. Provide training sessions for each AmeriCorps member.
- Q. Review, and reject or complete **SUBRECIPIENT's** AmeriCorps member timesheets in the iEmployee online system.
- R. Track and report the progress of **SUBRECIPIENT's** AmeriCorps members toward successful completion of service.
- S. Conduct Exit Workshops for each of **SUBRECIPIENT's** AmeriCorps members.
- T. Conduct at least one (1) annual Site Visit.
- U. Provide CV with all financial reporting and invoicing, performance measure progress, and other data reporting.
- V. Perform closeout certification process for CV at the end of the program year.

IX. SUBRECIPIENT Responsibilities

- A. Adhere to CNCS and CV AmeriCorps member policies as outlined in the CAP Center AmeriCorps Supervisor Program Manual.
- B. Attend supervisor conferences and monthly meetings.
- C. Institute safeguards as necessary and appropriate to ensure the safety of **SUBRECIPIENT's** AmeriCorps members. **SUBRECIPIENT's** AmeriCorps members may not participate in projects that pose undue safety risks.
- D. Match Contribution
 - 1. By entering into this MOU, **SUBRECIPIENT** agrees to pay the cash match contribution for the number of AmeriCorps members listed below:

Slot Type	Quantity	Cash Match	Total Member Cost
HT			\$0.00
FT	2	\$18,085.00	\$36,170.00
			\$36,170.00

E. Invoicing

1. If **SUBRECIPIENT** recruits and retains 100% of the AmeriCorps members listed in XI. Match Contribution above, **SUBRECIPIENT** agrees to pay **CAPC** the total cash match contribution as listed in the table below:

First Invoice	<ul style="list-style-type: none"> • August, 2016 • September, 2016 • October, 2016 	Last week of July, 2016	Net 30	\$ 9,042.50
Second Invoice	<ul style="list-style-type: none"> • November, 2016 • December, 2016 • January, 2017 	Last week of September 2016	Net 30	\$ 9,042.50
Third Invoice	<ul style="list-style-type: none"> • February, 2017 • March, 2017 • April, 2017 	Third week of December, 2016	Net 30	\$ 9,042.50
Fourth Invoice	<ul style="list-style-type: none"> • May, 2017 • June, 2017 • July, 2017 • August, 2017 	Last week of March, 2017	Net 30	\$ 9,042.50

Total: \$ 36,170.00

2. Invoices are due and payable within the timeframes listed in Section IX.E. above.
 3. This MOU is written include the full cost of healthcare coverage for all of **SUBRECIPIENT's** full-time AmeriCorps members. However, **SUBRECIPIENT** will be invoiced \$254.00 on a monthly basis for those eligible AmeriCorps members who are enrolled in healthcare coverage.
 4. Any circumstances not outlined in this MOU are subject to negotiation between **CAPC** and **SUBRECIPIENT**.
- E. In-kind Match Contribution.
1. **SUBRECIPIENT** must provide its AmeriCorps members with any resources and tools needed to perform their service, including: adequate workspace, access to a computer, reliable internet access, and telephone.
- F. AmeriCorps Recruitment
1. **SUBRECIPIENT** is required to is required to recruit the number of contracted AmeriCorps members listed in items 7 and 8, as applicable, of the AmeriCorps MOU for enrollment in the program, and retain them for the duration of their contracted service commitment.
 2. **SUBRECIPIENT** shall inquire and notify **CAPC** if an AmeriCorps applicant is concurrently enrolled in another AmeriCorps program, or has previously served in another AmeriCorps program.
- G. Ensure attendance of **SUBRECIPIENT's** AmeriCorps members at **CAPC** Orientation and subsequent AmeriCorps trainings.
- H. Provide **SUBRECIPIENT's** AmeriCorps members with a Service Site Orientation.
- I. Complete a written initial assessment and conduct a mid-term and end-of-term written evaluation of each AmeriCorps member's performance for 1,700-hour and 900-hour members. Performance Evaluations must be forwarded to **CAPC**.
- J. Provide training to AmeriCorps members regarding service responsibilities as described in the AmeriCorps Position Description.

- K. Ensure members participate in meaningful service activities that are appropriate to the skill level of AmeriCorps members and in alignment with the **PROGRAM** Performance Measures attached as Exhibit C.
- L. Provide daily direction for AmeriCorps members and one-on-one or group supervision of at least one hour per week.
- M. Review and approve or reject **SUBRECIPIENT's** AmeriCorps member timesheets in the iEmployee online system, by the dates listed in the 2016-2017 Living Allowance Schedule found in the 2016-2017 CAP Center AmeriCorps Supervisor Program Manual.
- N. Follow the CAP Center's Progressive Discipline policy and procedure.
- O. Schedule and release **SUBRECIPIENT's** AmeriCorps members to participate in National Service Days.
- P. Submit ongoing paperwork to **CAPC** for each of **SUBRECIPIENT's** AmeriCorps member's Member File
- Q. Collect and provide to **CAPC** data to be included in quarterly evaluation reports. Data must be submitted to **CAPC** by the tenth (10th) business day following the month in which the data was collected, or alternative timeframe based on **CAPC** reporting requirements, whichever is sooner.

Exhibit C
Youth Investment Center
Performance Measures

Performance Measures listed below are for the 2016/2017 Program Year. The listed values represent an aggregate figure that will be achieved by a total of 40 AmeriCorps members statewide. Partners are not solely responsible for achieving the aggregate figures.

Performance Measurement Title: Preparation for Adulthood Mentoring

Performance Measurement Type: Primary Needs and Service

Output/Outcome: Output, Outcome, and National Performance Measure

Core Participants: Foster youth aged 12 – 20 who: meet CNCS' definition of Disadvantaged Youth (those in or aging out of foster care); have no support; have had multiple foster placements; are placed in kinship care; are placed in guardianship with non-family members; have experienced prior Child Welfare involvement; are homeless or have run away from home; are pregnant or parenting; and/or are experiencing school behavior problems, multiple unexcused absences, and at-risk for failing out of school.

Output Result

- | | |
|-----------------------|--|
| a. Result: | Mentored foster youth will participate in Life Skills Activities, Academic Assistance, Daily Living Activities, Financial Literacy, Job Skills Training, and Relationship Building. |
| b. Indicators: | The number of foster youth that receive 25 hours or less of life skills mentoring; the number of 1:1 foster youth /mentor matches will commence and youth will receive 26 hours or more of life skills mentoring; the number of 1:1 foster youth/mentor matches will be sustained and youth will receive 52 hours or more of life skills mentoring over 6 to 12 months; and the number of foster youth who receive 7 hours or more of financial literacy activities. |
| c. Target: | 500 foster youth will receive 25 hours or less of life skills mentoring; 250 1:1 foster youth/mentor matches will commence and youth will receive 26 or more of life skills mentoring; 175 1:1 foster youth/mentor matches will be sustained and youth will receive 52 hours or more of life skills mentoring over 9 to 12 months; and 85 foster youth will receive 7 hours or more of financial literacy activities. |

Outcome Result

- | | |
|-----------------------|---|
| a. Result: | Foster youth will be better prepared to transition to a healthy and productive adulthood. |
| b. Indicators: | The number of foster youth who receive 26 hours or more of life skill mentoring and demonstrate improved academic engagement (attitude); the number of foster youth that receive 52 hours or more of life skills mentoring who demonstrate competency in three or more CLS domains; the number of foster youth who receive 52 hours or more of life skills mentoring and demonstrate improved academic engagement (behavior) as defined by increased attendance; the number of foster youth who receive 52 hours or more of life skills mentoring and graduate from high school with a diploma; and |

**Exhibit C
Youth Investment Center
Performance Measures**

c. Target:	<p>the number of foster youth who receive 7 hours of financial literacy services and demonstrate improved financial knowledge.</p> <p>165 of 250 foster youth who receive 26 hours or more of life skills mentoring will demonstrate improved academic engagement (attitudes); 115 of 175 foster youth who receive 52 hours or more of life skills mentoring will demonstrate competency in three or more CLS domains; 100 of 175 foster youth who receive 52 hours or more of life skills mentoring will demonstrate improved academic engagement (behaviors) as defined by increased attendance; 70 of 175 foster youth who complete 52 hours or more of life skills mentoring will graduate from high school with a diploma; and 70 of 85 foster youth who receive 7 hours or more of financial literacy services will demonstrate improved financial knowledge.</p>
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Performance Measurement Title: Volunteer Recruitment

Performance Measurement Type: Volunteer Recruitment

Output/Outcome: Output

Output Result	
a. Result:	Volunteers support and enhance life skills lessons delivered to foster youth; volunteers mentor foster youth on an ongoing basis.
b. Indicators:	<p>The number of:</p> <ul style="list-style-type: none"> • Volunteers recruited for ongoing activities; • Volunteers recruited for one-time activities; • Ongoing volunteer hours served; • Number of one-time volunteer hours served; •
c. Target:	150 volunteers will be recruited for ongoing activities; 250 volunteers will be recruited for one-time activities; 1,800 volunteer hours for ongoing activities; 1,250 volunteer hours for one-time activities. 75 of 150 ongoing volunteers will sustain a mentor-mentee relationship for 4 hours per month for 6 months.

Outcome Result	
a. Result:	Volunteers will provide ongoing mentoring to foster youth
b. Indicators:	The number mentor/youth matches sustained for 24 weeks.

Exhibit C
Youth Investment Center
Performance Measures

Performance Measurement Title: Member Development

Performance Measurement Type: Member Development

Output/Outcome: Output and Outcome

Output Result

- | | |
|-----------------------|--|
| <i>a. Result:</i> | Members receive the training to provide quality service to the community and foster youth. |
| <i>b. Indicators:</i> | The number of members trained in program's curricula. |
| <i>c. Target:</i> | 40 members will complete 6,080hours of training. |

Outcome Result

- | | |
|-----------------------|---|
| <i>a. Result:</i> | Members increase knowledge & skills, gain insight into the community, experience the power of national service, and learn how to mentor foster youth. |
| <i>b. Indicators:</i> | The number of members who increase their knowledge and skills in mentoring foster youth. |
| <i>c. Target:</i> | 65% (26 of 40) of members will increase skills by 10%. |

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Family Resource Center

Action Item X

To: Board of Trustees

Information Item

Date: Nov. 3, 2016

Attached Pages 7

From: Alyson Collier

Principal's Initials: AC

SUBJECT

Contract with Community Matters to implement Safe Schools Ambassadors program at WCR, CHS, OH, and Cyril Spinelli schools.

This contract is underwritten by Schools Insurance Authority and will implement Bullying Prevention strategies by training and supporting student leaders to effectively respond when witnessing student mistreatment.

RECOMMENDATION: Approve

CONSENT AGENDA

Contract DUE BACK BY:	Nov 15, 2016
CM Contract #	3558
Date of Contract:	Nov 1, 2016

**Fax back to
Community Matters
707-823-3373**

Client Will fulfill the following obligations:

- Return this contract by 11/15/2016 to guarantee CM's availability for the Service(s) on the above date(s). Otherwise, all prior agreements will be voided.
- Complete the tasks and comply with the conditions specified in the "Contract Addendum" attached to and hereby specifically included in this Contract.
- Provide a suitable facility for training, as outlined in the "Training Room Requirements" attachment.
- Provide necessary supplies and equipment, as outlined in the "Training Supplies, Equipment and Logistics" attachment.

Payment for Services: Client agrees to pay CM, in US funds, the following fees for delivery of the services outlined above:

Total Price:	\$24,780.00
Total Awards & Sponsorships:	-\$22,980.00
Total Discount & Other Charges:	-\$1,800.00

Upon completion of services or as specified herein, CM will invoice client for the items described above. Client agrees to pay such invoice(s) in full no later than 30 days from invoice date.

Grand Total: \$0.00

Signatures

For Community Matters

LeeAnn Lichnovsky

LeeAnn Lichnovsky

Date: 11/1/2016

I have read the Contract Addendum. Initials: _____

For Client

Signature: _____

Date: 11/3/16

Name: Scott Loehr

Title: Superintendent

Organization: Center Joint Unified School District

Attachments

- ☒ Contract Addendum - Please review and INITIAL ABOVE to accept these terms.
- ☒ Billing Information Sheet - please complete and return with this Contract
- ☒ Training Room Requirements - please give this to the person handling training logistics.
- ☒ Training Supplies, Equipment and Logistics - please give this to the person handling training logistics.
- ☒ Service Addendum
- ☒ Award Letter
- ☐ SSA TOT Participation Agreement
- ☐ SSA Site License Agreement

CONTRACT ADDENDUM

By signing the preceding Contract with Community Matters (CM), Client / Recipient further agrees to comply with these terms and requirements:

A1. Program Tasks

Prior to service delivery, CM and Client (or Recipient) agreed upon requirements directly related to planning, preparation & carrying out the service(s); proper implementation is critical to the process and without such, it would not be possible to execute our highest level of service and ensure success. This includes but is not limited to: providing suitable working space, recruiting and preparing participants (as applicable), providing supplies & equipment, copying participant handouts from masters supplied by CM, unless noted otherwise.

A2. Failure to Perform

If Client fails to complete or fulfill any of these requirements, CM may (at its sole discretion), at any point up to and including the first day of the training, postpone the training. In such a situation, Client agrees to pay CM the fees specified in Rescheduling or Cancellation below. *Client agrees that CM shall not be liable for costs or consequences beyond its control, including but not limited to weather conditions, traffic or travel delays.*

A3. Liability for Services

Client agrees to indemnify, defend, and hold harmless CM from any and all claims, damages, or liabilities arising from the service(s), provided however that the foregoing indemnification and hold harmless shall not apply to any claims, damages, or liability arising solely from the negligence or willful misconduct of CM or its agents.

A4. Non-Disclosure of Program Materials & Training

As required for delivery of the service(s), CM will provide information and/or materials for participants. Client acknowledges said information/materials and training are the result of extensive research and effort expended by CM and that same are considered by CM to be proprietary and a trade secret. Client warrants that neither its employees, agents, nor participants in this service will under its authority provide, duplicate, or recreate any portion of the training received, without the prior express written consent of CM.

Any audio, photographic or video recording of the service(s) is expressly prohibited, except for public relations purposes; total length of recorded segments may not exceed 15 minutes without prior written permission from CM.

[SSA ONLY- If applicable: Recipient/Client is provided with program materials as part of the training to support the Safe School Ambassadors program. CM hereby grants Client a limited and non-exclusive license to use these materials at and only at the school site receiving the training. Materials are not be copied for any person(s) who are not serving as Safe School Ambassadors, Family Group Facilitators, or Program Advisors.]

A5. Rescheduling or Cancellation

If Client *reschedules or cancels* any service(s), Client agrees to pay CM the following fees:
Rescheduling: *If CM is notified less than 30 days prior to Service Date: 15% of Service Subtotal; if CM is notified less than 14 days prior to Service Date: 25% of Service Subtotal.*

Cancellation: *If CM is notified less than 30 days prior to Service Date: 25% of Service Subtotal; if CM is notified less than 14 days prior to Service Date: 50% of Service Subtotal.*

Client further agrees to pay CM for any non-recoverable travel expenses incurred in its behalf if any event is rescheduled or cancelled less than 4 weeks of the agreed upon service date.

*[*Grant funded schools: The client or contract holder will be held responsible for the above fees. The funder will be informed of any reschedule or cancellation requests. This could affect grant funding in subsequent years.]*

Supplies, Equipment and Logistics
Safe School Ambassadors® Program

PLEASE KEEP – Give to the person making logistical arrangements for the Training.

To ensure a successful training, please make the following arrangements. If you have any questions about any of these requirements, please contact Community Matters.

1) Supplies needed

- ☐ 2 flipchart easels and 2 pads of flipchart paper (2 total pads, not boxes)
- ☐ 12+ different colored markers
- ☐ 1 roll of masking or blue tape
- ☐ Name tags for each participant
- ☐ 2 staplers
- ☐ Approx 25 sheets of writing paper
- ☐ 6 pads of 3" x 3" post-it notes
- ☐ Two-pocket folder for each participant (or similar to hold materials)
- ☐ Clear jar, water pitcher or vase large enough to hold ½ to whole gallon of water.
- ☐ Writing instruments for students (sharpened pencils for elementary students OR pens for middle/high students)
- ☐ Approx 20 sheets assorted colored paper & scissors/paper cutter (to cut into strips-if time allows)
- ☐ **ELEMENTARY SCHOOLS ONLY:** 1 student backpack and heavy/dense objects (e.g. books) to simulate the impact of mistreatment

2) Equipment needed

- ☐ DVD player & monitor (TV) **OR** LCD Projector with working remote (and batteries) and laptop w/ speakers or sound system.

3) Food and Beverages

It has been our experience that when these are provided for the students and adults in the training, they feel appreciated and valued, which increases their investment in the program, and thus its success on campus. We therefore recommend that you provide the following on each day:

- ☐ Morning snack
- ☐ Healthy lunch
- ☐ Light snack for afternoon break
- ☐ Water throughout training

Since the training is so compressed, break time is limited. Therefore, if these items are not to be provided in or adjacent to the training room, and students must bring and/or buy their own food and beverages, please note that we only have time for the following breaks:

- morning: 10 minutes
- noon/lunch: 30 minutes
- afternoon: 5 minutes

Safe School Ambassadors® Training Room Requirements and Configuration

To ensure a successful training, please make sure the room meets the following requirements.

1) Location

Plan on finding a convenient space on or off campus that will be free of interruptions during the two-day training. The space will need to be sufficiently large and meet the other requirements noted below. If it is off campus, it should be fairly close so very little time of the school day is lost in getting to and from the training.

2) Room Requirements

- ∞ acoustics: students will need to be able to hear their peers doing role-plays, so (for example) a big gymnasium will NOT work. Carpeting is a big plus!
- ∞ tables: 6-8 moveable tables (6' rectangular or 4' rounds) since we will do much of the work in small groups of 5-7 people
- ∞ chairs: moveable (not attached to the tables) and comfortable (ideally cushioned)
- ∞ light level: we will be using video and thus will need to darken the room
- ∞ access to the room one hour prior to the start of the training, to check/finish set-up

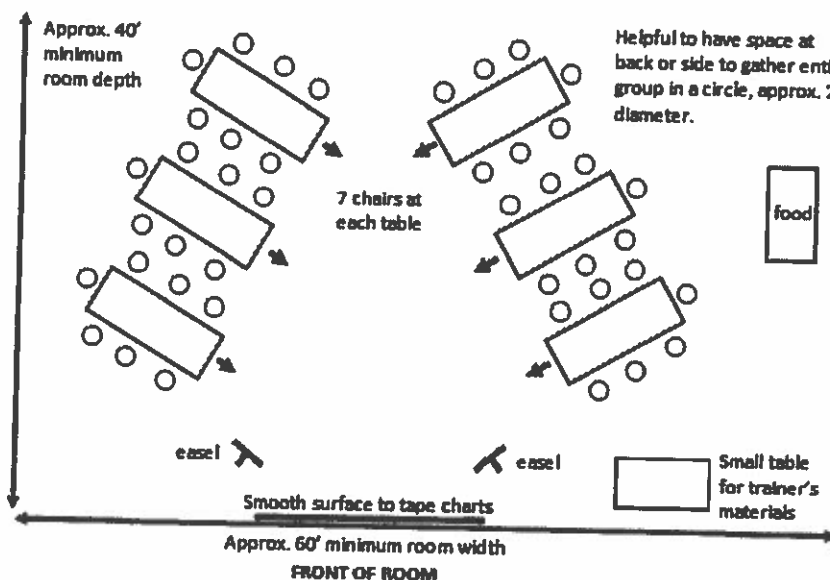
While the following are not requirements, they are strong preferences, as they will help the training be that much more successful.

- ∞ in-room control over room temperature
- ∞ using the same room each day (we'll cover the walls with flipchart paper on day 1)
- ∞ windows, ideally ones that open
- ∞ access to outside (for activities, breaks, etc.)

3) Room Configuration

The drawing at the right shows a typical room set-up, and is intended as a guide only. Please discuss variations to room set up with your trainer.

The key to a successful training is having a central space in which students can do role-plays that can be seen and heard by everyone.



Contract	
DUE BACK BY:	Nov 15, 2016
CM Contract #	3558
Date of Contract	Nov 1, 2016

**Fax back to
Community Matters
707-823-3373**

**Contract
between**

Community Matters

P. O. Box 14816
Santa Rosa, CA 95402
PH: 707-823-6159 FAX: 707-823-3373
Vendor ID #
hereinafter referred to as "CM"

and Center Joint Unified School District

8408 Watt Ave.
Antelope CA 95843
916-338-6400

hereinafter referred to as "Client"

This Contract details the responsibilities of the above parties relative to the services listed below.

CM Will Deliver the services outlined below:

Service Code	Service Name and Description	Cost
SSAIE	Initial Elem - Safe School Ambassadors Training & Support	\$6,195.00
	For: Spinelli Elementary School	
	On: 2 days, Jan./Feb. 2017	
	Times: 2 full school days (6.5 hrs ea) PLUS 1 additional hour each day for adults	
	Deliverables: 1) Provide 2 days of on-site training for 30-40 NEW Safe School Ambassadors and 5-8 adults (1 adult per 6 students), as described in SSA program literature.	
	2) Provide program materials for all training participants.	
	3) Provide up to 2 hours of program implementation support by phone, web and email.	
	4) Provide 1-year access to the web based data collection tool for measuring and tracking Ambassadors interventions	
	16 SIA - Center Joint Unified	-\$5745.00
	CM Discount	-\$450.00
Service Subtotal:		\$0.00

Contract	
DUE BACK BY:	Nov 15, 2016
CM Contract #	3558
Date of Contract	Nov 1, 2016

**Fax back to
Community Matters
707-823-3373**

SSAIM/H	Initial Mid/High - Safe School Ambassadors Training & Support	\$6,195.00
	For: Wilson Riles Middle School	Roseville CA
	On: 2 days, Jan./Feb. 2017	
	Times: 2 full school days (6.5 hrs ea) PLUS 1 additional hour each day for adults	
	Deliverables: 1) Provide 2 days of on-site training for 35-40 NEW Safe School Ambassadors and 5-8 adults (1 adult per 6 students), as described in SSA program literature.	
	2) Provide program materials for all training participants.	
	3) Provide up to 2 hours of program implementation support by phone, web and email.	
	4) Provide 1-year access to the web based data collection tool for measuring and tracking Ambassadors interventions	
	16 SIA - Center Joint Unified	-\$5745.00
	CM Discount	-\$450.00
	Service Subtotal:	\$0.00
SSAIE	Initial Elem - Safe School Ambassadors Training & Support	\$6,195.00
	For: Oak Hill Elementary School	Antelope CA
	On: 2 days, Jan./Feb. 2017	
	Times: 2 full school days (6.5 hrs ea) PLUS 1 additional hour each day for adults	
	Deliverables: 1) Provide 2 days of on-site training for 30-40 NEW Safe School Ambassadors and 5-8 adults (1 adult per 6 students), as described in SSA program literature.	
	2) Provide program materials for all training participants.	
	3) Provide up to 2 hours of program implementation support by phone, web and email.	
	4) Provide 1-year access to the web based data collection tool for measuring and tracking Ambassadors interventions	
	16 SIA - Center Joint Unified	-\$5745.00
	CM Discount	-\$450.00
	Service Subtotal:	\$0.00

Contract	
DUE BACK BY:	Nov 15, 2016
CM Contract #	3558
Date of Contract:	Nov 1, 2016

**Fax back to
Community Matters
707-823-3373**

SSAIM/H	Initial Mid/High - Safe School Ambassadors Training & Support	\$6,195.00
For:	Center High School	
On:	2 days, Jan./Feb. 2017	
Times:	2 full school days (6.5 hrs ea) PLUS 1 additional hour each day for adults	
Deliverables:	1) Provide 2 days of on-site training for 35-40 NEW Safe School Ambassadors and 5-8 adults (1 adult per 6 students), as described in SSA program literature. 2) Provide program materials for all training participants. 3) Provide up to 2 hours of program implementation support by phone, web and email. 4) Provide 1-year access to the web based data collection tool for measuring and tracking Ambassadors interventions	
	16 SIA - Center Joint Unified	-\$5745.00
	CM Discount	-\$450.00
Service Subtotal:		\$0.00

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Center High School

Date: 11/1/2016

To: CUSD Board of Trustees

From: Mike Jordan

Principal's Initials MJS

Action Item X

Information Item _____

Attached Pages
5 Total

SUBJECT:

The California Department of Education mandates all Partnership Academies provide opportunities for students to go on field trips. The plan this school year is for the Media Communications Academy (MCA) to take sophomore students to the Bay Area March 30-31, 2017. The goal is to create a real-world working experience by having all students be part of creating a cross-curricular project. This cross-curricular project will include elements from English, History, Spanish as well as media components. As a group, we will visit the Jelly Belly Factory where students learn about manufacturing, marketing, and job opportunities. We will tour San Francisco State University, take a walking tour of the Winchester Mystery House, experience Egyptian culture at the Rosicrucian Egyptian Museum, learn the history and significance of Alcatraz, explore and experience hands-on Science at the expanded Exploratorium and California Academy of Sciences, experience the culture of Chinatown, and get some exercise as we walk across the Golden Gate Bridge. The student cost is \$200. Students have the ability to fundraise to reduce the amount they have to pay. A portion of the California Partnership Grant is able to reduce the cost of the trip by paying for transportation and chaperone costs. A mandatory parent meeting is held before the trip. The group will stay at the San Jose Marriott. Probable chaperones include Rob McInnes, Matt Chamberlain, Vernon Bisho, Kristen Clements, Anne Cowan, Heather Woods, Brina Jope, and Amy Chaney.

CONSENT AGENDA

RECOMMENDATION:

Approval for MCA to take sophomore students to the Bay Area on March 30-31 2017.

Probable chaperones include:

Rob McInnes
Matt Chamberlain
Vernon Bisho
Kristen Clements
Anne Cowan
Heather Woods
Brina Jope
Amy Chancy

Center High School

Attendance Class Roster

Attendance Class Roster																						
Period	Course Title	Term	Sec#	Crs#	Teacher	Days	Room	Month#	Year													
4	New Media	Y	419	721624	McInnes,Rob	DAILY	303														16-17	
Stu#	Student Name	GR																				
			M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
01 7976		10																				
02 8028		10																				
03 7978		10																				
04 8161		10																				
05 8049		10																				
06 8165		10																				
07 8109		10																				
08 8137		10																				
09 7985		10																				
10 7987		10																				
11 8436		10																				
12 8116		10																				
13 8424		10																				
14 8535		10																				
15 8409		10																				
16 8539		10																				
17 9070		10																				
18 7994		10																				
19 8022		10																				
20 8044		10																				
21 8300		10																				
22 8200		10																				
23 8141		10																				
24 8249		10																				
25 8130		10																				

Teacher (and/or Substitute) Signature

Date

To the best of my knowledge, the information contained on this attendance sheet is accurate and complete.

Center High School

Attendance Class Roster

Period	Course Title	Term	Sec#	Crs#	Teacher	Days	Room	Month#	Year								
7	New Media	Y	715	721624	McInnes,Rob	DAILY	303		16-17								
Stu#	Student Name	GR															
01 8281		10	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
02 8239		10															
03 8370		10															
04 8356		10															
05 8306		10															
06 8203		10															
07 8223		10															
08 8365		10															
09 8413		10															
10 8187		10															
11 8188		10															
12 8168		10															
13 8028		10															
14 8171		10															
15 8192		10															
16 8432		10															
17 8516		10															
18 8193		10															
19 8056		10															
20 8229		10															
21 8304		10															
22 8238		10															
23 7989		10															
24 8497		10															
25 7990		10															
26 7992		10															
27 7995		10															
28 8233		10															
29 8119		10															
30 8063		10															
31 8091		10															
32 8532		10															
33 8139		10															
34 8369		10															
35 8038		10															
36 8291		10															

Teacher (and/or Substitute) Signature

Date

To the best of my knowledge, the information contained on this attendance sheet is accurate and complete.

Center High School

Attendance Class Roster

Attendance Class Roster																						
Period	Course Title	Term	Sec#	Crs#	Teacher	Days	Room	Month#	Year													
8	New Media	Y	820	721624	McInnes,Rob	DAILY	303			16-17												
Stu#	Student Name	GR	M T W T F					M T W T F					M T W T F					M T W T F				
01 8214		10																				
02 8174		10																				
03 8047		10																				
04 7977		10																				
05 8099		10																				
06 8340		10																				
07 8100		10																				
08 8337		10																				
09 8240		10																				
10 8381		10																				
11 8264		10																				
12 8027		10																				
13 8428		10																				
14 7988		10																				
15 8117		10																				
16 8145		10																				
17 8319		10																				
18 8412		10																				
19 8061		10																				
20 8361		10																				
21 8312		10																				
22 8336		10																				
23 8481		10																				
24 8201		10																				
25 8140		10																				
26 8128		10																				

Teacher (and/or Substitute) Signature

Date

To the best of my knowledge, the information contained on this attendance sheet is accurate and complete.

Center Unified School District

AGENDA REQUEST FOR	
DEPT./SITE: Spinelli Elementary	ACTION ITEM <u> X </u>
TO: Board of Trustees	INFORMATION ITEM <u> </u>
DATE: October 27, 2016	# ATTACHED PAGES <u> </u>
FROM: Kristin Schmieder	
PRINCIPAL'S INITIALS <u>KS</u>	

SUBJECT:

Seeking Board approval of Spinelli's *Single Plan for Student Achievement* for the 2016-2017 School Year

CONSENT AGENDA

2016-2017 School Year

Single Plan for Student Achievement

Part II: The Single Plan for Student Achievement Template



A Resource for the School Site Council

Prepared by: California Department of Education, February 2014

Part II: The Single Plan for Student Achievement Template

School: Spinelli Elementary

District: Center Joint Unified School District

County-District School (CDS) Code: 34-73973-6032924

Principal: Kristin Schmieder

Date of this revision: October 2016

The Single Plan for Student Achievement (SPSA) is a plan of actions to raise the academic performance of all students. California *Education Code* sections 41507, 41572, and 64001 and the federal Elementary and Secondary Education Act (ESEA) require each school to consolidate all school plans for programs funded through the ConApp and ESEA Program Improvement into the SPSA.

For additional information on school programs and how you may become involved locally, please contact the following person:

Contact Person:	Kristin Schmieder
Position:	Principal
Telephone Number:	(916) 338-6490
Address:	3401 Scotland Drive
E-mail Address:	kriss@centerusd.org

The District Governing Board approved this revision of the SPSA on December 14, 2016.



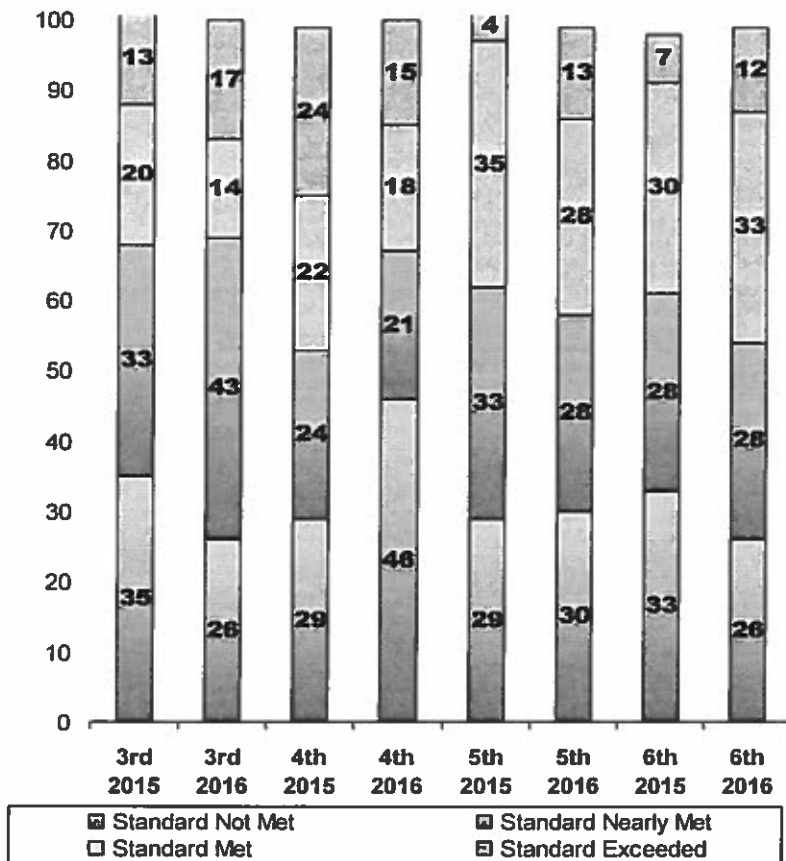
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II. Template for the Single Plan for Student Achievement

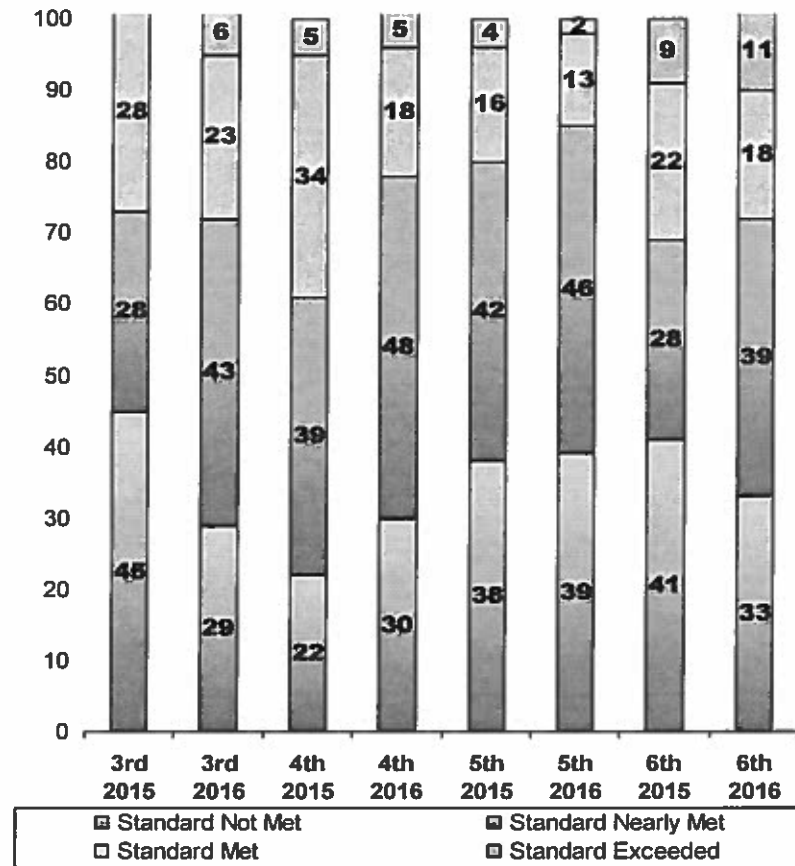
2015-2016 CAASPP ELA and Math Results	1
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Smarter Balanced Results

English Language Arts/Literacy



Mathematics



Form A: Planned Improvements in

Student Performance Goal #1

The School Site Council has analyzed the academic performance of all student groups and has considered the effectiveness of key elements of the instructional program for students failing to meet academic performance index and adequate yearly progress growth targets. As a result, it has adopted the following school goals, related actions, and expenditures to raise the academic performance of students not yet meeting state standards:

LEA GOAL: Center JUSD students will be challenged and supported to achieve academic success in a clean, safe environment

SCHOOL GOAL: English Language Arts: For the 2016-2017 school year, we will use data from 2014-2015 and 2015-2016 CAASPP results, and formative and summative local assessments, to show a 2% increase in the number of students meeting or exceeding the Common Core English Language Arts State Standards.

What data did you use to form this goal?	What were the findings from the analysis of this data?	How will the school evaluate the progress of this goal?
<ul style="list-style-type: none">• CAASPP data for grades 3-6 from the 2014-2015 and 2015-2016 school years• Benchmark assessments grades K-2 from the 2014-2015 and 2015-2016 school years• CELDT results, yearly data• Open Court data grades K-5• Pearson assessment data grade 6• Writing assessment data• Accelerated Reader student reading levels• STAR Initial Reading Inventory reading levels• Fluency benchmark scores• San Diego Quick levels• SIPPS assessment data	<ul style="list-style-type: none">• School-wide achievement in English/Language Arts on the CAASPP fell below the State grade level averages• In grades 3 and 4 scores on the CAASPP did not show a 2% increase in the number of students meeting or exceeding the CCSS grade level expectations, but grades 5 and 6 did show an increase in the number of students in the Standard Met and Standard Exceeded levels• Students in grades 3 and 6 showed improvement in moving out of Standard Not Met to Standard Nearly Met levels	<ul style="list-style-type: none">• Daily, weekly, monthly and at the end of each trimester, students will be monitored/evaluated/assessed in a variety of ways using formative and summative assessments to determine progress towards grade level CCSS using the newly adopted McGraw-Hill Wonders curriculum• CAASPP data• Fluency scores obtained at least 3 times per year• Benchmark assessments K-2, 3 times a year• CELDT data <p>Where can a budget plan of the proposed expenditures for this goal be found?</p> <p>Form C, pages 12-14 of this SPSA</p>

STRATEGY: During the 2016-2017 school year, students not meeting or exceeding CCSS will receive interventions to address their areas of weakness. These interventions will be based on their needs in the area of English Language Arts.

Action/Date	Person(s) Responsible	Task/Date	Cost and Funding Source (Itemize for Each Source)
August 2016-May 2017 1. Identify at-risk students and target their literacy needs	Title 1 Academic Coordinator, Title 1 Teacher, Instructional Specialist, Classroom Teacher, EL Teacher, Bilingual Assistant, Collaborative Teacher groups	August 2016-May 2017 <ul style="list-style-type: none"> Using universal screeners, assess at-risk students to determine literacy needs Analyze formative and summative assessment data for at-risk students Analyze CAASPP data to determine at-risk students Analyze Illuminate data Identify specific literacy needs 	Title 1: \$104,150 Academic Coordinator \$ 28,800 Teacher \$ 6,300 Instructional Specialist \$ 45,372 EL Teacher \$ 19,679 Bilingual Assistant Where can a budget plan of the proposed expenditures for this goal be found? Form C, pages 12-14 of this SPSA
August 2016-May 2017 2. Plan and implement the literacy intervention plan for at-risk students	Title 1 Academic Coordinator, Title 1 Teacher, Instructional Specialist, Classroom Teacher, EL Teacher, Bilingual Assistant, Collaborative Teacher groups	August 2016-May 2017 <ul style="list-style-type: none"> Select appropriate literacy intervention strategies/ materials for at-risk students using the newly adopted Wonders curriculum Train staff in Foundational Skills needed for interventions Implement literacy interventions to meet at-risk student's needs on a daily, weekly, monthly basis Provide scaffolds in the classroom to support student needs 	Title 1: \$104,150 Academic Coordinator \$ 28,800 Teacher \$ 6,300 Instructional Specialist \$ 45,372 EL Teacher \$ 19,679 Bilingual Assistant Where can a budget plan of the proposed expenditures for this goal be found? Form C pages 12-14 of this SPSA

<p>August 2016-May 2017</p> <p>3. Conduct ongoing evaluations based on student outcomes</p>	<p>Title 1 Academic Coordinator, Title 1 Teacher, Instructional Specialist, Classroom Teacher, EL Teacher, Bilingual Assistant, Collaborative Teacher groups</p>	<p>August 2016-May 2017</p> <ul style="list-style-type: none"> • Monitor and evaluate student progress on a daily, weekly, monthly basis using formative and summative assessments • Adjust/re-evaluate student goals according to their needs and address those needs in workshop using small group/one-on-one interventions • EL Teacher re-teaches/pre-teaches concepts/vocabulary • Collaborative teacher groups give input/suggestions and develop a plan for intervention 	<p>Title 1: \$104,150 Academic Coordinator \$ 28,800 Teacher \$ 6,300 Instructional Specialist \$ 45,372 EL Teacher \$ 19,679 Bilingual Assistant</p> <p>Where can a budget plan of the proposed expenditures for this goal be found?</p> <p>Form C pages 12-14 of this SPSA</p>
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Form A: Planned Improvements in Student Performance Goal #2

The School Site Council has analyzed the academic performance of all student groups and has considered the effectiveness of key elements of the instructional program for students failing to meet academic performance index and adequate yearly progress growth targets. As a result, it has adopted the following school goals, related actions, and expenditures to raise the academic performance of students not yet meeting state standards:

LEA GOAL: Center JUSD students will be challenged and supported to achieve academic success in a clean, safe environment

SCHOOL GOAL: Math: For the 2016-2017 school year, we will use data from the 2014-2015 and 2015-2016 CAASPP results, and formative and summative local assessments, to show a 2% increase in the number of students meeting or exceeding the Common Core Math State Standards

<p>What data did you use to form this goal?</p> <ul style="list-style-type: none"> • Math data from the CAASPP results • Benchmark Assessments K-2 • Mc Graw Hill My Math assessments grades K-5 • CPM (College Preparatory Math) assessments grade 6 • Math Fluency Assessments using Math Facts in a Flash computer program 	<p>What were the findings from the analysis of this data?</p> <ul style="list-style-type: none"> • School-wide achievement in Math on the CAASPP fell below the State grade level averages • In grades 4 and 5, student scores on CAASPP math assessments did not show a 2% increase in the number of students meeting or exceeding the CCSS grade level expectations, but grades 3 and 6 did show an increase in the number of students in the Standard Met and Standard Exceeded levels • Students in grades 3 and 6 showed improvement in moving out of Standard Not Met to Standard Nearly Met levels • Local assessment data shows students have not reached fluency on addition, subtraction, multiplication, and division facts, and are not meeting or exceeding the CCSS solving word problems and fractions. 	<p>How will the school evaluate the progress of this goal?</p> <ul style="list-style-type: none"> • Daily, weekly, monthly and at the end of each trimester, students will be monitored/evaluated/assessed in a variety of ways using formative and summative assessments to determine progress towards grade level CCSS using the McGraw-Hill My Math curriculum • CAASPP data in math • Math Benchmark Assessment data K-2 • Mc Graw Hill My Math Assessments • Daily math fluency assessments • Math fluency assessment data <p>Where can a budget plan of the proposed expenditures for this goal be found?</p> <p>Form C, pages 12-14 of this SPSA</p>
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STRATEGY: During the 2016-2017 school year, students not meeting or exceeding the CCSS will receive interventions to address their areas of weakness. These interventions will be based on their needs in the area of Math.

Action/Date	Person(s) Responsible	Task/Date	Cost and Funding Source (Itemize for Each Source)
August 2016-May 2017 1. Identify at-risk students and target their areas of weakness in math	Title 1 Academic Coordinator, Title 1 Teacher, Instructional Specialist, Classroom Teacher, Collaborative Teacher groups	August 2016-May 2017 <ul style="list-style-type: none"> Assess at-risk students to determine areas of weakness in math Analyze formative and summative assessment data Identify specific math needs Daily math fluency practice grades K-6 Math tutoring before school 	Title 1: \$104,150 Academic Coordinator \$ 28,800 Teacher \$ 6,300 Instructional Specialist Where can a budget plan of the proposed expenditures for this goal be found? Form C pages 12-14 of this SPSA
August 2016-May 2017 2. Plan and implement the math intervention plan for at-risk students	Title 1 Academic Coordinator, Title 1 Teacher, Instructional Specialist, Classroom Teacher, Collaborative Teacher groups	August 2016-May 2017 <ul style="list-style-type: none"> Select appropriate intervention strategies/ materials for at-risk students Train staff as needed for interventions Implement interventions to meet at-risk student's needs on a daily, weekly, monthly basis Daily math fluency practice grades K-6 Math tutoring before school 	Title 1: \$104,150 Academic Coordinator \$ 28,800 Teacher \$ 6,300 Instructional Specialist Where can a budget plan of the proposed expenditures for this goal be found? Form C pages 12-14 of this SPSA

<p>August 2016-May 2017</p> <p>3. Conduct ongoing evaluations based on student outcomes</p>	<p>Title 1 Academic Coordinator, Title 1 Teacher, Instructional Specialist, Classroom Teacher, Collaborative Teacher groups</p>	<p>August 2016-May 2017</p> <ul style="list-style-type: none"> • Monitor and evaluate student progress on a daily, weekly, monthly basis • Adjust/re-evaluate student goals according to their needs • Collaborative teacher groups give input/suggestions for interventions • Daily math fluency practice • Math tutoring before school 	<p>Title 1: \$104,150 Academic Coordinator \$ 28,800 Teacher \$ 6,300 Instructional Specialist</p> <p>Where can a budget plan of the proposed expenditures for this goal be found?</p> <p>Form C pages 12-14 of this SPSA</p>
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Form A (Non-Academic Goal #1)

LEA GOAL: Center JUSD students will be engaged in their educational process and opportunities

SCHOOL GOAL: By May of the 2016-2017 school year, survey data will show a 5% increase in the number of staff and students feeling safe and connected at school.

What data did you use to form this goal?	What were the findings from the analysis of this data?	How will the school evaluate the progress of this goal?
<ul style="list-style-type: none"> 2015-2016 California Healthy Kids Survey (CHKS) 2015-2016 Spinelli Safe School Survey for staff, students, and parents 	<ul style="list-style-type: none"> Results of the 2015-2016 CHKS states 74% of 5th grade students feel safe at school (2013-2014 was 68%), and 37% feel connected at school (2013-2014 was 44%) The 2015-2016 Spinelli Safe School Survey reported similar data 	<ul style="list-style-type: none"> Every other year survey results data Yearly data from Spinelli Safe School Survey

STRATEGIES: 1) Spinelli classroom teachers will identify student safety issues and the lack of feeling connected at school, review current practices, and implement potential strategies or interventions to increase student safety and connectedness.

Action/Date	Person(s) Responsible	Task/Date	Cost and Funding Source (Itemize for Each Source)
August 2016-May 2017 Classroom teachers will identify safety concerns After school clubs will be offered to address student connectedness	Classroom teachers, Collaborative teacher groups, Principal Staff members, parent art docent	August 2016-May 2017 <ul style="list-style-type: none"> Classroom teachers will hold class meetings to identify safety concerns Classroom teachers will share their findings with their collaborative teacher groups and brainstorm a plan for improvement Classroom teachers will share the information with the Principal, changes will be implemented An Arts and Crafts Club will be offered to students grades 1-6 on a weekly basis A Tutoring Club will be offered for students in grades 4, 5, and 6 on a weekly basis 	None Club stipends of \$1,000.00 per club will be paid by site

<p>Peace Keeper Program</p> <p>Safe School Ambassadors</p>	<p>Title 1 Academic Coordinator</p> <p>Staff members and SIA trainers</p>	<ul style="list-style-type: none"> ▪ Walking Club will be offered at recesses on a daily basis ▪ Peace Keepers solve student conflicts at recesses ▪ Tiger Spirit Days to honor students making positive choices; good attendance, completing assignments, pro-social behavior, good deeds, giving best effort ▪ Implement the Safe School Ambassadors Program, designed to empower leaders and equip them with nonviolent communication and intervention skills to prevent and stop bullying and violence among their peers, and build a positive school climate 	<p>Student incentives paid by Student Body Fund</p> <p>Student incentives paid by Student Body Fund</p> <p>\$6,300 Grant from SIA (School Insurance Authority)</p>
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Form A (Non-Academic Goal #2)

LEA GOAL: Center JUSD families will be engaged and informed regarding their student's educational experience

SCHOOL GOAL: By May of the 2016-2017 school year, data will show a 5% increase in the number of families attending school events/activities.

What data did you use to form this goal? <ul style="list-style-type: none"> 2015-2016 California Healthy Kids Survey 2015-2016 Spinelli Safe School Survey for staff, students, and parents Parent attendance at parent conference meetings Field trip parent participation 	What were the findings from the analysis of this data? <ul style="list-style-type: none"> Survey data, 37% of students feel connected at school (2013-2014 was 44%) Survey data, 79% of staff feel parents are encouraged to participate in activities, however actual participation is less than 50% Low attendance at school events/activities reported through sign-in sheets Parent conference attendance is about 75% (includes phone and physical attendance) Field trip parent participation is about 20% 	How will the school evaluate the progress of this goal? <ul style="list-style-type: none"> Sign-in sheets for events/activities Teacher reported data on parent conference data Teacher reports on Field trip attendance 	
STRATEGIES: 1) Spinelli classroom teachers will use a variety of mediums to communicate to families about school events and activities.			
Action/Date	Person(s) Responsible	Task/Date	Cost and Funding Source (Itemize for Each Source)
August 2016-May 2017 Staff will reach out to families to invite them to school events/activities	Classroom teachers, Principal, School Site Council and English Language Advisory Committee parents	August 2016-May 2017 <ul style="list-style-type: none"> Classroom teachers will invite families to events/activities via email, phone, face-to-face, or newsletters Principal will use the phone messaging system to send out invitations to school events/activities SSC and ELAC parents will get information out to community 	None

Form B: Centralized Services for Planned Improvements in Student Performance

The following actions and related expenditures support this site program goal and will be performed as a centralized service. Note: the total amount for each categorical program in Form B must be aligned with the Consolidated Application.

School Goal #: 5

Actions to be Taken to Reach This Goal ¹ Consider all appropriate dimensions (e.g., Teaching and Learning, Staffing, and Professional Development)	Start Date ² Completion Date	Proposed Expenditures	Estimated Cost	Funding Source (itemize for each source)
For the 2016-2017 school year, Center JUSD will offer professional development to ensure the teaching staff is highly qualified and well prepared for the grade level Common Core State Standards, and the needs of all students	August 2016 to May 2017	Staff Development opportunities in the following areas will be offered to teachers: <ul style="list-style-type: none"> • Curriculum delivery • Research based instructional strategies • Foundational skills • Technology assistance • Behavior management • Data disaggregation • EL support/strategies • Collaboration 	Academic Coordinator \$16,085.00 Coordinator of C & I \$13,654.00 EL Coordinator \$11,895.00	Title 1 PI .65 FTE General Fund, .2 FTE Title 1, .15 FTE Title 1 PI .60 FTE EL, .40 FTE Title III

Note: Centralized services may include the following direct services:

- Research-based instructional strategies, curriculum development, school climate, and data disaggregation for instructional staff
- District-wide staff providing specific services to schools, e.g., English Language Development Coordinator, Teachers on Special Assignment, Instructional Coaches
- After-School and Summer School programs funded by categorical programs
- Data analysis services, software, and training for assessment of student progress

Centralized services do not include administrative costs.

¹ See Appendix A: Chart of Legal Specifics for the Single Plan for Student Achievement for content required by each program or funding source supporting this goal.

² List the date an action will be taken, or will begin, and the date it will be completed.

Form C: Programs Included in this Plan

Check the box for each state and federal program in which the school participates. Enter the amounts allocated for each program in which the school participates and, if applicable, check the box indicating that the program's funds are being consolidated as part of operating a schoolwide program (SWP). The plan must describe the activities to be conducted at the school for each of the state and federal programs in which the school participates. The totals on these pages should match the cost estimates in Form A and the school's allocation from the ConApp.

Note: For many of the funding sources listed below, school districts may be exercising Categorical Program Provisions options (flexibility), which are described at <http://www.cde.ca.gov/fq/aa/co/ca12sqiappcatprog.asp>.

Of the four following options, please select the one that describes this school site:

- ☐ This site operates as a targeted assistance school (TAS), not as a schoolwide program (SWP).
- ☒ This site operates a SWP but does not consolidate its funds as part of operating a SWP.
- ☐ This site operates a SWP and consolidates only applicable federal funds as part of operating a SWP.
- ☐ This site operates a SWP and consolidates all applicable funds as part of operating a SWP.

State Programs	Allocation	Consolidated in the SWP
<input checked="" type="checkbox"/> Local Control Funding Formula (LCFF) – Base Grant Purpose: To provide flexibility in the use of state and local funds by LEAs and schools	\$32,790,577 (D)	<input type="checkbox"/>
<input checked="" type="checkbox"/> LCFF – Supplemental Grant Purpose: To provide a supplemental grant equal to 20 percent of the adjusted LCFF base grant for targeted disadvantaged students	\$4,132,390 (D)	<input type="checkbox"/>
<input checked="" type="checkbox"/> LCFF – Concentration Grant Purpose: To provide an additional concentration grant equal to 50 percent of the adjusted LCFF base grant for targeted students exceeding 55 percent of an LEA's enrollment	\$1,451,405 (D)	<input type="checkbox"/>
<input type="checkbox"/> California School Age Families Education (Carryover only) Purpose: Assist expectant and parenting students to succeed in school	\$	<input type="checkbox"/>
<input type="checkbox"/> Economic Impact Aid/State Compensatory Education (EIA-SCE) (Carryover only) Purpose: Help educationally disadvantaged students succeed in the regular program	\$	<input type="checkbox"/>

<input type="checkbox"/>	Economic Impact Aid/Limited English Proficient (EIA-LEP) (Carryover only) Purpose: Develop fluency in English and academic proficiency of English learners	\$	<input type="checkbox"/>
<input type="checkbox"/>	Peer Assistance and Review (Carryover only) Purpose: Assist teachers through coaching and mentoring	\$	<input type="checkbox"/>
<input type="checkbox"/>	Professional Development Block Grant (Carryover only) Purpose: Attract, train, and retain classroom personnel to improve student performance in core curriculum areas	\$	<input type="checkbox"/>
<input type="checkbox"/>	Pupil Retention Block Grant (Carryover only) Purpose: Prevent students from dropping out of school	\$	<input type="checkbox"/>
<input type="checkbox"/>	Quality Education Investment Act (QEIA) Purpose: Funds are available for use in performing various specified measures to improve academic instruction and pupil academic achievement	\$	<input type="checkbox"/>
<input type="checkbox"/>	School and Library Improvement Program Block Grant (Carryover only) Purpose: Improve library and other school programs	\$	<input type="checkbox"/>
<input type="checkbox"/>	School Safety and Violence Prevention Act (Carryover only) Purpose: Increase school safety	\$	<input type="checkbox"/>
<input type="checkbox"/>	Tobacco-Use Prevention Education Purpose: Eliminate tobacco use among students	\$	<input type="checkbox"/>
<input checked="" type="checkbox"/>	List and Describe Other State or Local Funds (e.g., Career and Technical Education [CTE], etc.) Lottery	\$12,218 (S)	<input type="checkbox"/>
Total amount of state categorical funds allocated to this school		\$12,218	
Federal Programs		Allocation	Consolidated in the SWP
<input checked="" type="checkbox"/>	Title I, Part A: Allocation Purpose: To improve basic programs operated by local educational agencies (LEAs)	\$116,413 (S)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Title I, Part A: Parental Involvement (if applicable under Section 1118[a][3][c] of the Elementary and Secondary Education Act) Purpose: Ensure that parents have information they need to make well-informed choices for their children, more effectively share responsibility with their children's schools, and help schools develop effective and successful academic programs (this is a reservation from the total Title I, Part A allocation).	\$9,887 (D)	<input type="checkbox"/>

<input checked="" type="checkbox"/>	For Program Improvement Schools only: Title I, Part A Program Improvement (PI) Professional Development (10 percent minimum reservation from the Title I, Part A reservation for schools in PI Year 1 and 2)	\$104,066 (D)		<input type="checkbox"/>
<input checked="" type="checkbox"/>	Title II, Part A: Improving Teacher Quality Purpose: Improve and increase the number of highly qualified teachers and principals	\$118,687 (D)		<input type="checkbox"/>
<input checked="" type="checkbox"/>	Title III, Part A: Language Instruction for Limited-English-Proficient (LEP) Students Purpose: Supplement language instruction to help LEP students attain English proficiency and meet academic performance standards	\$63,822 (D)		Title III funds may not be consolidated as part of a SWP ³
<input type="checkbox"/>	Title VI, Part B: Rural Education Achievement Program Purpose: Provide flexibility in the use of ESEA funds to eligible LEAs	\$		<input type="checkbox"/>
<input type="checkbox"/>	For School Improvement Schools only: School Improvement Grant (SIG) Purpose: to address the needs of schools in improvement, corrective action, and restructuring to improve student achievement	\$		<input type="checkbox"/>
<input type="checkbox"/>	Other federal funds (list and describe)	\$		<input type="checkbox"/>
<input type="checkbox"/>	Other federal funds (list and describe)	\$		<input type="checkbox"/>
<input type="checkbox"/>	Other federal funds (list and describe)	\$		<input type="checkbox"/>
Total amount of federal categorical funds allocated to this school		\$116,413		
Total amount of state and federal categorical funds allocated to this school		\$128,631		

Note: Other Title I-supported activities that are not shown on this page may be included in the SPSA Action Plan.

³ Title III funds are not a school level allocation even if allocated by the district to a school site. The LEA is responsible for fiscal reporting and monitoring and cannot delegate their authority to a site at which the program is being implemented. If Title III funds are spent at a school site, they must be used for the purposes of Title III and only for those students the LEA has identified for services. For more information please contact the Language Policy and Leadership Office at 916-319-0845.

Form D: School Site Council Membership

California *Education Code* describes the required composition of the School Site Council (SSC). The SSC shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.⁴ The current make-up of the SSC is as follows:

Names of Members	Principal	Classroom Teacher	Other School Staff	Parent or Community Member	Secondary Student
Kristin Schmieder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Julie Opfer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jimmy Boyce	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leslie Macek	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Villarreal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosalva Villa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tiffany Weaver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eva Godoy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Numbers of members in each category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁴ EC Section 52852

Form E: Recommendations and Assurances

The school site council (SSC) recommends this school plan and proposed expenditures to the district governing board for approval and assures the board of the following:

1. The SSC is correctly constituted and was formed in accordance with district governing board policy and state law.
2. The SSC reviewed its responsibilities under state law and district governing board policies, including those board policies relating to material changes in the Single Plan for Student Achievement (SPSA) requiring board approval.
3. The SSC sought and considered all recommendations from the following groups or committees before adopting this plan (Check those that apply):

☐ State Compensatory Education Advisory Committee _____ Signature

☒ English Learner Advisory Committee _____
Signature

☐ Special Education Advisory Committee _____ Signature

☐ Gifted and Talented Education Advisory Committee _____ Signature

☒ District/School Liaison Team for schools in Program Improvement _____
Signature

☐ Compensatory Education Advisory Committee _____ Signature

☐ Departmental Advisory Committee (secondary) _____ Signature

☒ Safety Committee _____
Signature

4. The SSC reviewed the content requirements for school plans of programs included in this SPSA and believes all such content requirements have been met, including those found in district governing board policies and in the local educational agency plan.
5. This SPSA is based on a thorough analysis of student academic performance. The actions proposed herein form a sound, comprehensive, coordinated plan to reach stated school goals to improve student academic performance.
6. This SPSA was adopted by the SSC at a public meeting on: October 22, 2015.

Attested:

Kristin Schmieder
Name of School Principal

Kristin Schmieder 10/20/2016
Signature of School Principal Date

Jimmy Boyce
Name of SSC Chairperson

Jimmy Boyce 10/20/2016
Signature of SSC Chairperson Date

Form G: Single Plan for Student Achievement Annual Evaluation

Pursuant to California *Education Code* Section 64001(g), the School Site Council (SSC) must evaluate at least annually the effectiveness of planned activities. In the cycle of continuous improvement of student performance, evaluation of the results of goals will provide data to inform and guide subsequent plans.

Annual evaluation by the SSC and local educational agency (LEA) is a critical part of the continuous cycle of improvement for a school. Furthermore, it is an integral component of the Compensatory Education (CE) Federal Program Monitoring (FPM) review process for Single Plan for Student Achievements (SPSAs). During an FPM review, the SSC and LEA must be able to provide evidence of the evaluation process to determine if the needs of students are being met by the strategies described in the SPSA.

The SPSA annual evaluation may be a summary description of the school's progress toward implementation of the strategies and actions in the SPSA. The report may also include a data analysis of the school's progress towards its student achievement goals based on local, state, or national assessment data.

During the evaluation process, it is important for the SSC and LEA to exercise caution about jumping to conclusions about the effectiveness or non-effectiveness of specific activities and programs without examining the underlying causes. The SSC and LEA should consider all relevant factors when evaluating the plan, such as the degree of implementation, student enrollment changes, and health and safety issues.

SPSA ANNUAL EVALUATION

Plan Priorities

- Evaluation of academic goals 1 and 2
- Title 1 funds support the major expenditures

Plan Implementation

- Students were assessed with all the various assessments to include formative, summative, and statewide testing
- Analyzing student data was not fully implemented as planned
 - The lack of a data analysis program resulted in less time and effort spent reviewing student performance
 - A data analysis system (Illuminate) was implemented, a plethora of universal screeners were administered at all grade levels K-6, new CCSS E/LA curriculum (Wonders) was adopted and being used in every classroom
 - In grades 3 and 4, scores on the CAASPP E/LA assessments did not show an increase in the number of students meeting or exceeding the CCSS grade level expectations
 - In grades 4 and 5, student scores on the CAASPP Math assessments did

not show an increase in the number of students meeting or exceeding the CCSS grade level expectations

- o Local assessment data shows students have not achieved fluency in addition, subtraction, multiplication and division facts at the appropriate grade levels

Strategies and Activities

- Student participation in before school intervention in math and E/LA, and before school math tutoring, resulted in academic gains
- Weekly teacher collaboration highlighted best practices and reinforced high quality first instruction in the classroom
- The Accelerated Reader Program was not used consistently across all grade levels, or as prescribed.
- The Math Facts in a Flash Program was not used consistently across all grade levels, or as prescribed.
 - o Based on an analysis of the impact of the strategies/activities, the reason they were ineffective in improving student achievement appears to be:
 - Lack of effective follow-up or coaching to support implementation
 - Not implemented with fidelity
 - Inconsistent use across all grade levels
 - o Based on the analysis of this practice, we recommend:
 - Collaborative conversations/coaching to develop a plan to streamline consistency and utilization of the programs

Involvement/Governance

- A SSC/ELAC meeting was held to go over the plan, discussing the goals, sharing ideas and giving input.
- At the SSC/ELAC meetings held throughout the school year, implementation of the plan and progress towards the goals was discussed.

Outcomes

- Portions of each goal were met. Academic goal #1 showed an increase in the number of 5th and 6th grade students meeting or exceeding the standards in E/LA. Academic goal #2 showed an increase in the number of 3rd and 6th grade students meeting or exceeding the standards in Math. Non-academic goal #1 showed an increase in the number of 5th grade students feeling safe at school.
- Portions of each goal were not met. Academic goal #1 did not show an increase in the number of 3rd and 4th grade students meeting or exceeding the standards

in E/LA. Academic goal #2 did not show an increase in the number of 4th and 5th grade students meeting or exceeding the standards in Math. Non-Academic goal #1 did not show an increase in the number of 5th students feeling connected at school. Non-academic goal #2 did not show an increase in the number of families participating in school events.

- Collaborative conversations will focus on developing consistency and utilization of the programs stated above, professional development will support the planned strategies, and data will be analyzed to determine next steps.

Center Unified School District

AGENDA REQUEST FOR:

Dept./Site: Center High School

Date: 10/24/16

Action Item XX

To: CJUSD Board of Trustees

Information Item

From: Mike Jordan

Attached Pages 25

Principal's Initials mDJ

SUBJECT:

Attached you will find the Center High School W.A.S.C. Action Plans which serves as the Single Plan for Student Achievement.

RECOMMENDATION:

Approve the CHS Single Plan for Student Achievement

CONSENT AGENDA

XIV-15

Center High School

Chapter V – Revised Action Plans – Updated 1-26-16

ACTION PLAN #1: Technology Improvements – Hardware and software upgrades and expansion of facilities needed throughout campus.

RATIONALE:

- Due to budget cutbacks, the average age of computers on campus is nearly 10 years old. Many older machines are having difficulty running current software.
- Many classrooms still do not have computer projectors installed.
- Only three Smart Boards are on campus.
- Wireless Internet is available for only 40% of the campus.
- Our 3 open campus computer labs have a limited number of stations making it difficult to accommodate current class sizes.
- The current feed from the local cable provider comes into the school in digital format, but our current cable infrastructure and televisions only handle analog signals. This conflict doesn't allow the school to receive outside cable channels.
- Current software and operating systems are outdated.
- Students need to be prepared to utilize the most up-to-date technology for future education and employment

SLOs Addressed: Self-Directed Learner, Critical Thinker, Effective Communicator, Quality Producer

Product	Action Steps	Accountability	Timeline	Resources Needed
Five-year Center High School Technology Improvement	Create technology committee which includes a participant from each department and classified staff. Action Steps: 8-01-13 Technology Committee,	WASC Leadership team	May 30, 2013 Accomplished 5-13	Team members

Plan	<p>which includes a participant from each department and classified staff, has been formed and is meeting monthly. A calendar of technology committee meetings and goals has been established.</p> <p>9-01-13 Technology Committee reviewed the standardization plan for classrooms. It was decided that more feedback from staff was needed before consensus could be achieved.</p> <p>Campus-wide technology inventory has been completed. Work has begun on the technology needs analysis</p> <p>2-27-14 In progress, a district-wide WiFi network will be available to all staff, students and guests. It will appear seamlessly as one giant network as there will be sufficient overlapping of "hot spot" coverage. All WiFi devices will authenticate using the individual MAC address. The main controller is set up at the district office and the hot spots are being installed presently with total coverage anticipated by the beginning of the next school year. The initial mounting locations will be in areas where SBAC testing is set to take place.</p> <p>Technology updates to classrooms was fully implemented by the start of the 2015-16 school year. Now each classroom on campus has a projection</p>			
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	<p>device (such as short-throw and traditional overhead digital projectors). Each classroom also has a document camera or digital tablet to produce visual images for the projection screen. All classrooms include multimedia equipment and a quality sound system.</p> <p>10-21-14 Google Chrome Carts are now in use. Four carts, holding 35 Chromebooks each are available for every member of the Core academic departments.</p> <p>All students now have G Mail accounts and have access to Google Docs.</p> <p>TURNITIN.Com was implemented part way into last school year, and the program has been renewed for this year.</p> <p>Ten (10) new LCD projectors have been installed. Thirty (30) more LCD projectors have been ordered.</p> <p>The process of upgrading desk top computers to Windows 7 has begun.</p> <p>WiFi is available on campus, but is not strong in some areas. An upgrade of the WiFi should be completed by December 2014.</p> <p>November 2014 – Windows 7 upgrades completed to all office staff, counselors, administration, science department, ASB, workability, and math department. English department will be next followed by history, foreign language, art, then PE.</p> <p>A Dual Core Vista Machine was donated to the school and has been placed in the</p>			
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<p>library to use for class and staff meeting presentations.</p> <p>2014-15 School Year – All social studies classes now have new projectors.</p> <p>Digital Photography updated some equipment for the 2014-15 school year, including: 5 Fujifilm Digital Cameras, 5 Monopods, a color scanner, and additional memory cards and readers.</p> <p>Special Education is getting new/updated computers so they can run the SEIS program.</p> <p>The English Department teachers computers are being replaced with newer more powerful computers through a donation.</p> <p>Summer 2015 - Short Throw Projectors were installed in several more</p> <p>Science Rooms have all had their Smart TVs hung and addressed in the wifi Portal. The Computer Lab in 905 has a new projector. A 'Teacher' station will be installed next</p> <p>August 2015 – There are now eight Google Chrome carts signed out to various departments</p> <p>2015 -New copy machines have been installed school wide.</p> <p>Technology lead teachers have been hired to help teachers implement technology in their classrooms, and workshops are being provided to this end.</p> <p>Teachers are implanting</p>			
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	<p>technology in their lessons. Graphing calculators have been purchased for use in all pertinent math classes. A 3-D printer was acquired by the engineering department in the 2014-15 school year. The MCA lab was upgraded over the summer of 2015. The MCA department purchased a drone in 2015. A new phone system was installed in the 2014-15 school year.</p>			
	Create calendar of technology committee meetings and goals	CHS Technology Committee Site Computer Technician	June 2013 Accomplished 8-13	Committee member(s) responsible for calendar
	Complete campus-wide technology inventory to include: computers (hardware and software), computer projectors, televisions, Wi-Fi, hubs, printers, Elmo projectors, overhead projectors, tablets, Smart boards, and others to be determined by the Technology Committee	Site Computer Technician CHS Technology Committee members Department members	Completed by September 1, 2013 Accomplished 8-13	Organized lists from departments and Technology Committee
	Conduct technology needs analysis across campus	CHS Technology Committee	October 1, 2013 Accomplished	None

			12-13	
Software Expansion	<p>Develop a five-year Center High School Technology Plan that prioritizes needed technology improvements based on the greatest positive impact on student learning.</p> <p>Purchase Turnitin.com for schoolwide use</p> <p>The library card catalog is now online. Students can access it on their smart phones.</p> <p>PLTW teachers use a learning management system for their classes.</p> <p>The CHS App is available to anyone for free.</p>	<p>CHS Technology Committee</p> <p>District Technology Committee</p>	<p>December 1, 2013 Accomplished 12-13</p> <p>Accomplished September 2013</p>	None
	<p>7/15 District has provided the Illuminate Data System for test data analysis. Teachers have begun training on the program and will be uploading test results from common assessments.</p>			
	<p>Implement 5 Year Technology Plan according to the prioritization schedule established in the Technology Improvement plan.</p>	<p>District Technology Committee</p> <p>Site Computer Technician</p> <p>CHS Technology Committee</p>	<p>January 1, 2014 In Progress 1-14</p>	<p>E-rate funding Site funding Donations District funding Tech to repair existing equipment if needed</p>

	Update WASC Action Plan for this issue based on the CHS Technology Improvement Plan	WASC Leadership Team CHS Technology Committee	February 1, 2014 On going Updates	Time Committee member responsible for updating plan document
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ACTION PLAN #2: Professional development and collaboration opportunities – Release time for conferences, school/classroom visitations, workshops, in-district training to implement Common Core State Standards and Professional Learning Communities.

RATIONALE: Due to budget cutbacks, there have been limited opportunities to participate in on-going professional development opportunities. Professional development will be crucial to implement Common Core State Standards and Professional Learning Communities

SLOs Addressed: Critical Thinker, Effective Communicator, Quality Producer

Product	Action Steps	Accountability	Timeline	Resources Needed
Professional Development/ Collaboration Plan	<p>Department Heads and site administration developed training for building Professional Learning Communities using the Richard DuFour model.</p> <p>8-01-13 A professional development plan focused on the transition to CCSS has been developed by the administrative team.</p> <p>PD is being delivered via staff meetings and department chair meetings.</p> <p>SCOE has been contracted to disseminate some of the necessary components needed for the transition</p>	<p>Principal</p> <p>Academic Coach</p> <p>Leadership Team</p>	November 1, 2013	<p>Registration dollars</p> <p>Substitute teachers</p> <p>Textbooks/handbooks</p>

	<p>to CCSS to the staff , such as the Instructional Shifts</p> <p>In November 2013 the Special Ed department attended a workshop on how to run an effective IEP at SCOE.</p> <p>English and Math Department members have been attending Curriculum Committee meetings at the district office this school year approximately once per quarter.</p> <p>The District Math Adoption Committee decided to have the high school follow the Integrated Common Core High School Math Pathway.</p> <p>The Math Department also attended publisher presentations at the District Office with teachers from Grades 6 through 8. Three publishers presented their Common Core-aligned programs for Grades 6 through 12.</p> <p>2/21/2014 – The ELD teacher attended a 1 day workshop called “Meeting the Needs of Long-Term English Learners” at the Sacramento County Office of Education.</p> <p>10-21-2014 The math department</p>			
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	<p>attended CPM training over the summer, and they will be continuing their training through this school year.</p> <p>The Special Ed department members attended an Inclusion Conference, a Google Conference and a Classroom management Training which focused on being proactive rather than reactive.</p> <p>2014-15 School Year - Two social studies teachers attended the Flipped Classroom training</p> <p>Three social studies teachers attended the Google Ed Technology training</p> <p>The AVID teacher attended the AVID Summer Institute and has also attend two workshops for AVID at SCOE</p> <p>Summer 2015 – Three teachers attended the AVID Summer Institute</p> <p>Three teachers attended PTLW Training</p> <p>Two teachers attended a health careers workshop.</p> <p>MCA teachers attended a CPA Regional Training and Lighthouse</p>			
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	<p>Training.</p> <p>PE department chair attends the CAHperd state conference annually.</p> <p>The AP science teacher is a reader for the AP biology exam.</p> <p>10/2015 I Babakova, Russian teacher, attended three courses on Common Core development: Introduction and Unpacking, Curriculum Design and Lesson Planning and Assessment and the Teaching for Concrete Comprehension.</p> <p>January 2016 – The entire staff received professional development on dealing with students affected by trama, which was presented by Alyson Collier, the district program Coordinator for the Family Resource Center.</p>			
Professional Learning Communities	Development of intradepartmental and interdepartmental PLC'S	Administration, Certificated and Classified Staff	Initiate September 2013, completion May 2015	Collaboration and training time Willing minds
	Classroom Visitations with teachers observing peers and administrators observing all staff. Observation	Teachers Administration	Initiate September 2013	Substitutes to allow period observations

	<p>notes/information to be discussed at PLC meetings.</p> <p>2014-15 School Year – Administrators and district personnel have done classroom visits as part of the Strengthening Teacher Evaluation Training with Dr. A. Platt.</p> <p>8/2015 – 2 of 5 new teachers have been set up with department mentors.</p>			
Common Core Standards-based curriculum and instruction	<p>Teachers to attend workshops on Common Core Standards to align common core to current curriculum.</p> <p>8-13 All members of the English department attended ERWC training sponsored by the Sacramento County Office of Education and developed a 12th grade ERWC course which is being taught this school year. The entire English department completing an online workshop in November 2013 titled "Writing Arguments"</p> <p>Starting in September, 2013, the Math Department has attended a four-workshop series called, "Pathways to Common Core Mathematics" led by Patrick Callahan in Placer County. Additionally, they</p>	<p>Administration</p> <p>District Curriculum Coordinator</p> <p>Grade /Course alike Professional Learning Communities</p> <p>Leadership Team</p>	Initial training by March 2014 with completion by August 2014	Release time Update materials as funds become available.

	<p>have begun articulation across grade/subject levels with the middle school teachers from Wilson Riles.</p> <p>In the fall of 2013, four members of the Math Dept. attended a four-workshop series offered through the Placer County Office of Education and Sierra Community College entitled, "Hands On Algebra". This series was Common Core Standards of Mathematical Practice-based and featured performance tasks.</p> <p>Some members of the math department have attended a two-workshop series through PCOE on Intensive Next Generation Assessments, in November, 2013 and January, 2014.</p> <p>Grade alike English teachers are attending collaboration days at the district office with Becky Lawson, Coordinator of Curriculum and Instruction, for developing common core aligned assignments.</p> <p>October 2014 – ELD Coordinator presented ELD information at a staff meeting which included the topics EL basics, English learner program and support, when and how much EL support a student should have, Reclassification, and coming</p>			
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	<p>changes to ELD.</p> <p>2014-15 School Year – Some Social studies teachers have attended the AP Economics Institute: Holocaust Educators Network Teacher Training, Mobile Devices in the Classroom Training, Google for Education Training, New Surface Pro 3, iPad Air and Apple TV Training.</p> <p>Digital Photography Teacher is taking an online class from IPhotography. She is also attending a CTE Model Curriculum Standards Workshop, and also plans to attend the Educating for Careers Conference in Sacramento.</p> <p>Mathematics teachers, including the special education teacher, have attended Common Core math training.</p> <p>Purchase of new texts:</p> <p>CPM Common Core Connections Course 1</p> <p>CPM Common Core Connections Course 2</p> <p>AP Macroeconomics 2014</p> <p>AP Government 2013</p>			
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	<p>AP Psychology 2014</p> <p>TCI US History 2014</p> <p>135 replacement texts for Modern World History</p> <p>Summer 2015 – Ramirez to AP Spanish Language training.</p> <p>A weekly new teacher meeting is held with the principal beginning in the 2015-16 school year</p>			
	<p>Departmental collaboration between CHS and WCR to develop scope and sequence</p> <p>Beginning in October 2013, Teachers are working on scope and sequence departmentally. Additionally, the English teachers have been working on Common Core grade alike assignments on release days with the curriculum committee</p>	<p>Administration and District Curriculum Coordinator</p> <p>Teaching staff</p>	<p>In process, completion by March 2014</p>	<p>Collaboration time CC standards materials sample lessons and tests</p>

ACTION PLAN #3: Need to incorporate more electives into the master schedule.

RATIONALE: A lack of electives due to reduced staffing the past few years has led to higher class sizes and fewer rigorous elective opportunities for students to complete a well-rounded education while at Center High School. Efforts need to be made to provide valuable electives to complete student's schedules.

SLOs Addressed: Self-Directed Learner, Critical Thinker, Effective Communicator, Quality Producer

Product	Action Steps	Accountability	Timeline	Resources Needed
Elective Interest Survey	Develop Electives Committee Develop survey Administer survey Analyze survey results	Electives Committee	August 2013 September 2013 September 2013 October 2013	SCOE, Perkins, NextEd funding District support and funding Grant Writer position to pursue outside funding sources
Elective Choices determined by Electives Survey	Parent night meetings for proposed electives	Electives Committee	December 2013	Library
	Place electives in the Course Catalog	Electives Committee Principal	January 2014	Course Catalog
	Revise the Action Plan to reflect new	WASC Leadership	May 2014	WASC Document

	<p>electives</p> <p>The CARE Program, including the CARE elective class was added to the Master Schedule in the 2013-14 School Year An EWRC English 12 elective course was developed and placed in the master schedule for the 2013-14 school year. Several English teachers have attended and are attending ongoing professional development for creating/teaching this course.</p> <p>2014-15 School Year – EWRC Modules have been incorporated into all English classes, however a EWRC class is no longer offered.</p> <p>Roseville High School was visited by members of the Math Dept. and PLTW in order to begin the formation of a math elective, "Geometry in Construction," tentatively planned to be offered in the 2015—2016 school year.</p> <p>If a block schedule can be implemented, the Math Dept. has proposed offering more math electives, such as "Math in the Movies," "Introduction to Statistics," a problem solving class similar to one offered at</p>	Team		
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	<p>Sierra Community College and a Financial Literacy course.</p> <p>2013-14 – An extended ELD Support class was added this school year for long term English learners (more than 5 years) who have not yet tested out of ELD services through the CELDT test.</p> <p>10-21-2014 The math department has received a grant to start a Geometry Construction class. Preliminary work is being done now to prepare to add the class to the course catalog. A third section of Biomedical Science, and a second section of Engineering Design (for a total of three engineering classes) is being offered this school year.</p> <p>2015-16 Geometry and Construction is being offered this school year. Integrated High School Math 1 and Integrated High School Math II have been approved as A-G courses. AP Spanish Language, Sports Management, Russian 1 and Human Body Systems (Crane Grant) are also new course offerings beginning in the 2015-16 school year.</p>			
Expanded	Summer teacher training PLTW	Principal	2014-15 school	SCOE, Perkins, NextED

Project Lead the Way Program and Career Technical Education Courses	CTE Advisory Committee	CTE Advisory Committee School Site Council District Office	year implementation with training occurring summer of 2014	funding
Improved Master Schedule to allow for more elective offerings	<p>Block schedule Committee formed</p> <p>Committee members researched different schedule configurations and presented them to staff on 2/24/14. 10-21-2014 It was decided at this time that it was not feasible to move to a block schedule immediately, however, in addition to a zero (0) period, a seventh (7th) period credit recovery class has been added to the schedule this school year. And the block schedule will continue to be studied and considered.</p> <p>Spring 2015 – The decision was made and approved by the school board in May, to move to a block schedule beginning with the 2016-17 school year. In preparation for this change several new courses were submitted and approved for A-G. They will be included in the course catalog which will come out in January of 2016. These new courses include:</p>		December 2013	

	<ul style="list-style-type: none"> • Business Management and Leadership • Empowering Entrepreneurship • Sports and Entertainment Marketing • Virtual Enterprise • Digital Photo. <p>In the block schedule each teacher will have one additional section. New course offerings may include:</p> <ul style="list-style-type: none"> • Math electives • Math intervention • Increase government from a semester class to a year long class • Additional biomedical sections • Additional engineering sections • Science intervention courses • More science offerings • Academic Decathlon class • Technical writing • Freshman studies 			
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ACTION PLAN #4: Develop a systematic method of reviewing data in a continuous and ongoing cycle of review to help revise and update classroom instructional strategies and practices, as well as, to assist with the ongoing assessment of how students are mastering the ESLR's.

RATIONALE: We need to be more data-driven in our improvement process. In order to do this we need to improve our assessment methods, data collection, data retrieval, and build an institutionalized process of review, improvement, and implementation of practices to improve student learning.

SLOs Addressed: Self-Directed Learner, Critical Thinker, Effective Communicator, Quality Producer

Product	Action Steps	Accountability	Timeline	Resources Needed
Reliable Data	<p>Establishment of a site data committee to coordinate and monitor this action plan</p> <p>Through developing scope and sequence, teachers will also be developing common assessments. English and math departments began this work in October 2013</p> <p>The Math Dept. agreed to administer one performance task per quarter, a result of attending the January, 2014 Callahan and Sue Gendron (Next Generation Assessments) presentations.</p> <p>10-21-14 Each academic department has created a common formative</p>	WASC Leadership Team	August 15, 2013	Members Meeting place

	<p>assessment to be administered during the first semester at a common time for each department.</p> <p>The English department has created a Google Doc Spreadsheet to assist in analyzing data from the Degrees of reading Power Assessment and the District Writing Focus, which are administered to all students within the first few weeks of school.</p> <p>A data analysis protocol has been selected and refined by each department.</p> <p>Some data collection is on hold awaiting new state tests.</p> <p>2014-15 School Year – Each academic department has developed a second common formative assessment to be administered during the second quarter, and they are working on common formative assessments for both the third and fourth quarters.</p>	Completed		
	Work with district academic coach and technology department to ensure current data is accurate	WASC Leadership Team	Monthly Quarterly August 15, 2013	Data Agenda for meet
	Determine which additional data needs to be collected to assist in the improvement process.	Data Committee Department Heads	September 15, 2013 Each Progress Reporting Period	Grade Reports Data Reports

<p>Illuminate System Adoption Pending 2015-16 school year.</p>	<p>Improve our data collection and distribution methods through adoption of new common rubrics for District Writing Assessments, Degrees of Reading Power tests, Essay Scorer software, SBAC training. In the English department, the CCSS writing rubrics have been adopted.</p> <p>The Math Dept. PLC's, which are by course, administer common unit tests and final exams and collaborate to standardize the grading of them. Common assessment data is collected and analyzed within each PLC.</p>	<p>English Department</p> <p>Data Committee</p> <p>PLCs</p>	<p>Grade Reporting Periods – Progress/quarter/semester</p>	<p>Assessments</p> <p>Rubrics</p> <p>Common Prompts</p> <p>Possible Updated DRP</p>
<p>Accessible Data</p>	<p>Develop the methods to include site assessments such as DRP and DWA scores in our data system through the investigation of data mining software alternatives. English department provided staff with DWA/DRP scores in October 2013.</p>	<p>Site Tech</p> <p>Data Committee</p>	<p>January 14, 2014</p>	<p>Time</p> <p>Data company vendors</p>
	<p>"Packaging" data in formats that are teacher friendly</p> <p>Training in MMARS or other software</p>	<p>Data Committee</p> <p>Leadership Committee</p>	<p>October 2013 Quarterly</p>	<p>Software</p> <p>Data</p>
	<p>Timely release of data to all teachers and stakeholders</p>	<p>Leadership Committee</p>	<p>October 2013 Quarterly</p>	<p>Software</p> <p>Training</p>

	Open and shared access to data	Data Committee		Data
Evaluated Data	<p>Scheduled time for analysis of data to determine the meaning of the data</p> <p>Review of data to determine areas of weakness and strengths</p> <p>Review common finals and assessments</p>	<p>Leadership Team</p> <p>PLCs</p> <p>Departments</p>	Quarterly / Semester	<p>Embedded time</p> <p>Early-out days</p>
Newly Developed Strategies	<p>Investigate strategies to meet determined areas of growth</p> <p>Investigate strategies to implement Common Core Standards</p> <p>Collaboration time to share strategies</p> <p>Training in new strategies where needed through attendance at workshops</p> <p>Increased cross-curricular collaboration</p> <p>Investigate cross-curricular rubrics</p> <p>Develop new evaluation strategies for multiple measurements of SLO's</p> <p>Implemented use of Academic Improvement Measure (AIM) document to guide and document collaboration</p>	<p>All Staff</p> <p>Academic Coach</p> <p>Leadership Committee</p>	<p>Weekly</p> <p>Monthly</p> <p>Quarterly</p>	<p>Early-out Mondays</p> <p>Time for collaboration</p> <p>Professional Development</p> <p>Data</p>

	towards reaching common assignment/common assessment goal.			
Implemented New Strategies	Utilizing Common Core Standards Best Practices Increased cross-curricular integration Continued intervention process	All Staff Academic Coach Leadership Committee Site Common Core Committee Representative	Professional Development in 2013-2014 and 2014-2015	Professional development time Collaboration time Peer Observation time
Culture of Continuous Improvement	Renew the cycle of data Review development in this process incorporating improvements	All staff Data Committee Leadership Team Academic Coach PLCs Site Tech / Technology Committee School Site Council	Starting 2013-2014 Semi-annually	Time Data Evaluation tool

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Facilities & Operations Department

To: Board of Trustees

Action Item X

Date: November 16, 2016

Information Item

From: Craig Deason, Assist. Supt.

Attached Pages

Assist. Supt. Initials: CD

SUBJECT:

Walk-In Freezer/Fridge Purchase & Installation

Food Services plans to contract with Sheltons Unlimited Mechanical Services to install a walk-in freezer/fridge in the North Country Elementary School kitchen.

Recommendation: That the Board of Trustees approves the contract with Sheltons Unlimited Mechanical Services for the purchase and installation of a walk-in freezer/fridge for North Country.

CONSENT AGENDA

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SECTION 00300 - FORM OF CONTRACT

ARTICLE 1. AGREEMENT FOR CONSTRUCTION

THIS AGREEMENT is made and entered into as of this 7th day of November, 2016, by and between the Center Joint Unified School District (hereinafter referred to as "District"), and Sheltons Unlimited Mechanical, an independent contractor (hereinafter referred to as "Contractor").

District and Contractor hereby mutually agree as follows:

Section 1 - SCOPE OF WORK.

Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor and materials and transportation necessary to perform and complete in a good and workmanlike manner to the satisfaction of District, all work called for and in the manner designated in, and in strict accordance with, the Contract Documents as defined in Section 2 hereof, the Work for the Freezer/Cooler Replacement Nutrition Services, as described in Specifications Section 00800 - Special Provision.

Section 2 - CONTRACT DOCUMENTS.

The Contract Documents, sometimes also referred to as "the Contract", consist of the Notice to Bidders, the Instructions to Bidders, the Proposal Form, this Agreement, the Bid Bond, the Payment Bond, the Performance Bond, Contractor's Guarantee Form, the General Conditions, the Special Provisions, Exhibits, the General Requirements, the Technical Specifications, the Plans and Specifications, all duly issued addenda, interpretations, Change Orders, supplemental drawings, and the accepted Construction Schedule.

Section 3 - DEFINITIONS.

Unless otherwise specifically provided herein, all words and phrases defined in the General Conditions shall have the same meaning and intent in this Agreement.

Section 4 - CONTRACT AMOUNT.

District agrees to pay and Contractor agrees to accept, for the full and complete performance of this Agreement in full payment for the Work performed the sum of forty four thousand five hundred dollars DOLLARS (\$ 44,500), subject to adjustment as provided in the Contract Documents.

In addition to the above lump sum amount is an allowance in the amount of Three Thousand Dollars (\$3,000). The Contractor shall not be entitled to draw against this allowance without the prior written approval of the Owner's Representative. Any unused allowances shall revert to the District. The Contractor shall provide the District with a monthly accounting of its use of any part of the allowances.

Section 5 - MONTHLY PROGRESS PAYMENTS.

Monthly progress payments shall be made in accordance with Article 12 of the General Conditions of the Contract Documents.

Section 6 - FINAL PAYMENT.

Final payment shall be made in accordance with Article 21 of the General Conditions.

Section 7 - RETENTION OF SUMS CHARGED AGAINST CONTRACTOR.

When, under this provisions of the Contract Documents, District shall charge any sum of money against Contractor, District shall deduct and retain the amount of such charge from the amount of the next succeeding progress payment, or from any other monies due or that may become due to Contractor from District. If, on completion or termination of the Contract, sums due Contractor are insufficient to pay District's charges against Contractor, District shall have the right to recover the balance from Contractor or its sureties.

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Section 8 - TIME OF COMPLETION.

2The Work shall be commenced on the date specified in the District's "Notice to Proceed," and shall be fully
3completed as described in the Contract Documents, including, without limitation, the General Conditions, within
4the time set forth in the Preliminary Construction Schedule, together with such additional time as may be provided
5by any change order issued pursuant to the Contract Documents.

6

7Time is of the essence in this Agreement and the Contract Documents. Failure of Contractor to complete the
8Work by the completion date and in the manner provided for by the Contract Documents shall subject Contractor
9to liquidated damages as hereinafter provided in this Agreement and the Contract Documents.

10

Section 9 - NO WAIVER OF REMEDIES.

12Neither the inspection by District or its agents, nor any order or certificate for payment of money, nor any payment
13for, nor acceptance of the whole or any part of the Work by District, nor any extensions of time, nor any position
14taken by District or its agents shall operate as a waiver of any provision of this Agreement or the Contract
15Documents or of any power herein reserved to District or any right to damages herein provided, nor shall any
16waiver of any breach of this Agreement or of the Contract Documents be held to be a waiver of any other or
17subsequent breach. All remedies provided in this Agreement and in the Contract Documents shall be taken and
18construed as cumulative; that is, in addition to each and every other remedy provided in this Agreement and/or
19the Contract Documents, and District shall have any and all equitable and legal remedies, which it would in any
20case have.

21

Section 10 - LIQUIDATED DAMAGES.

23Liquidated damages may be assessed against Contractor in accordance with Article 14 of the General Conditions
24and in the amount of Five Hundred Dollars (\$500) per calendar day if Contractor fails to complete the Work within
25the Contract Time. The provision for liquidated damages in the Contract Documents shall not be applicable nor
26act as a limitation upon District if Contractor abandons the Work. In such event, Contractor shall be liable to
27District for all Losses incurred.

28

Section 11 - PERFORMANCE AND PAYMENT BONDS.

30Contractor, before beginning the Work, shall file a Performance Bond and a Payment Bond with District, each
31made payable to District. These bonds shall be issued by surety company authorized to do business in the State
32of California and shall be maintained during the entire life of the Contract at the expense of Contractor. Each
33bond shall be in the amount of one hundred percent (100%) of the Contract. The Performance Bond shall
34guarantee the faithful performance of the Contract. The Payment Bond shall be in accordance with the
35requirements of Part 4, Title 15, Chapter 7, Division Three of the Civil Code of the State of California. Any
36alteration or alterations made in any provision of the Contract shall not operate to release any surety from any
37liability on any bond required hereunder and the consent to make such alterations is hereby given, and any surety
38on said bonds hereby waives the provisions of Section 2819 of the Civil Code.

39

Section 12 - LABOR CODE COMPLIANCE.

41Contractor and all subcontractors shall fully comply with all provisions of the California Labor Code governing the
42performance of public works contracts, including, but not limited to, registration pursuant to Labor Code section
431725.5, payment of prevailing wages, limitations on time worked, compliance with apprentice requirements,
44maintenance and submission of certified payroll records and prohibition against discrimination.

45

Section 13 - UNFAIR COMPETITION.

47The following provision is included in this Agreement pursuant to California Public Contract Code section 7103.5.

48

49"In entering into a public works contract or subcontract to supply goods, services, or materials pursuant to a public
50works contract, the contractor or subcontractor offers and agrees to assign to the awarding body all rights, title,
51and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or
52under the Cartwright Act (Chapter 2 (commencing with Section 16700 of Part 2 of Division 7 of the Business and
53Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract
54or subcontract. This assignment shall be made and become effective at the time the awarding body tenders final
55payment to the contractor, without further acknowledgment by the parties."

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2Section 14 - ASSIGNMENT.

3Neither this Agreement nor any rights herein of Contractor shall be assigned without the written consent of District
4first obtained.

5

6Section 15 - NO THIRD PARTY BENEFICIARIES.

7This Agreement is entered into solely between District and Contractor. There are no third party beneficiaries,
8intended, unintended, or otherwise to this Agreement.

9

10Section 16 - AGREEMENT BINDING.

11This Agreement shall bind and insure to the heirs, devisees, assignees and successors in interest of Contractor
12and to the successors in interest of District in the same manner as if such parties had been expressly named
13herein.

14

15Section 17 - AGREEMENT CONTROLS.

16In the event of a conflict between the terms and conditions set forth in this Agreement and the terms and
17conditions set forth in the other Contract Documents, the terms and conditions set forth in this Agreement shall
18prevail.

19

20Section 18 - FINGERPRINTING.

21Education Code section 45125.1 applies to this Agreement. Contractor shall, prior to commencement of Work,
22require any person affiliated with Contractor (or, in appropriate cases, himself or herself) to be fingerprinted by the
23Department of Justice ("DOJ") if that person will have unsupervised access to school campuses. Upon
24verification from DOJ that those persons fingerprinted have no record of a serious or violent felony, Contractor will
25so certify by signing and submitting to the Governing Board of District the certification form attached as Exhibit A
26and incorporated by reference. In addition, Contractor shall submit the names of those persons who have
27received clearance and are authorized to have unsupervised access to school campuses on a form as indicated
28in Exhibit B. Any person whose name is not on the cleared list may not have such access. In that case,
29Contractor must make arrangements with District for appropriate access. No person with a violent or serious
30felony as reported by DOJ may have access to the school campuses.

31

32Failure to comply with this Section 18 of this Agreement, or permitting unsupervised access by an employee
33whose name has not been cleared by DOJ as certified by Contractor shall constitute grounds for termination of
34this Agreement.

1

2 **Section 19 - GOVERNING LAW: PROVISIONS REQUIRED BY LAW DEEMED INSERTED:** This Agreement will
3 be governed by and construed in accordance with the laws of the State of California. Each and every provision of
4 law and clause required to be inserted in this Contract shall be deemed to be inserted herein, and this Contract
5 shall be read and enforced as though it were included herein, and if through mistake or otherwise any such
6 provision is not inserted or is not inserted correctly, then upon application of either party the Contract shall
7 forthwith be physically amended to make such insertion or correction.

7

8 IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

9

10 Contractors are required by law to be licensed and regulated by the Contractor's State License Board,
11 which has jurisdiction to investigate complaints against contractors if a complaint is filed within three
12 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the
13 Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, California 95826.

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District: Center Joint Unified School District

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By: _____

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Its: _____

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Board Approval Date: _____

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(Corporate Seal)

Contractor: Sheltons Mechanical

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By: Jerry Shelton

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Its: President

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Business Address: 6715 32nd St N

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N. Highlands, CA 95660

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License Number: 850223

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DIR Registration Number: 1000028382

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CORPORATE CERTIFICATE

50, Jerry Shelton, certify that I am the Secretary of the corporation named as
51 Contractor in the foregoing contract; that Jerry Shelton, who signed said contract
52 on behalf of said corporation is authorized to fully bind the corporation to this Agreement; that said contract was
53 duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its
54 corporate powers.

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Jerry Shelton
Secretary

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SECTION 00410 - PERFORMANCE BOND FORM

ARTICLE 1. PERFORMANCE BOND FORM

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Center Joint Unified School District hereinafter referred to as "District" and Shelton Mechanical (hereinafter referred to as "Contractor", have entered into a written contract for furnishing of all labor, materials, equipment, transportation and services for the construction of the Freezer/Cooler Replacement Nutrition Services Project located in Sacramento County, California (hereinafter referred to as the "Construction Contract"); and

WHEREAS, Contractor is required by the terms of the Construction Contract to furnish a bond for the faithful performance of all terms and conditions of the Construction Contract;

NOW, THEREFORE, Contractor, as principal, and _____ (hereinafter referred to as "Surety"), as surety, are held and firmly bound unto District and Claimants, as defined herein, in the penal sum of

_____ DOLLARS

(\$ _____), lawful money of the United States, for the payment of which sum well and truly to be made as provided in this Performance Bond.

1. Contractor and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to District for the performance of the Construction Contract, which is incorporated herein by reference.
2. If Contractor timely performs each and every obligation under the Construction Contract, including all Guarantee and/or warranty obligations, Surety and Contractor shall have no obligation under this Bond, except to participate in conferences as provided in Subparagraph 3.1.
3. Surety's obligation under this Performance Bond shall arise after:
 - 3.1 District has declared a Contractor Default and has notified Contractor and Surety at its address described in Paragraph 10 below that District has declared a Contractor Default and has requested and attempted to arrange a conference with Contractor and Surety to be held not later than seven days after receipt of such notice to discuss methods of performing all remaining obligations of Contractor pursuant to the Construction Contract; and
 - 3.2 District has agreed to pay any remaining Balance of the Agreement Price, as calculated under the terms of the Construction Contract, to Surety in accordance with the terms of the Construction Contract or to a contractor selected to perform the Construction Contract in accordance with the terms of the Construction Contract with District.
4. When District has satisfied the conditions of Paragraph 3, Surety shall promptly and at Surety's expense take one of the following actions:
 - 4.1 Arrange for Contractor, with consent of District, to perform and complete the Construction Contract; or
 - 4.2 Undertake to perform and complete the Construction Contract itself, through its agents or through independent contractors; or

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1 4.3 Obtain bids or negotiated Proposals from qualified contractors acceptable to District for a contract
2 for performance and completion of the Construction Contract, arrange for a contract to be prepared
3 for execution by District and the contractor selected with District's concurrence, to be secured with
4 performance and payment bonds executed by a qualified surety equivalent to the bonds issued on
5 the Construction Contract, and pay to District the amount of damages as described in Paragraph 6
6 in excess of the Balance of the Agreement Price, as calculated under the terms of the Construction
7 Contract, incurred by District resulting from Contractor's Default; or
8
9 4.4 Waive its right to perform and complete, arrange for completion, or obtain a new Contractor and
10 with reasonable promptness under the circumstances:
11
12 .1 After investigation, determine the amount for which it may be liable to District and, as soon
13 as practicable after the amount is determined, tender payment thereof to District; or
14
15 .2 Deny liability in whole or in part and notify District citing specific reasons therefore.
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17 5. If Surety does not proceed as provided in Paragraph 4 within twenty days from receipt of the notice
18 described in paragraph 3.1 (whether or not a conference has been held pursuant to paragraph 3.1), or
19 such longer period upon which District and Surety may agree in writing, Surety shall be deemed to be in
20 default on this Bond. If Surety proceeds as provided in Subparagraph 4.4, and District refuses the
21 payment tendered or Surety has denied liability, in whole or in part, without further notice District shall be
22 entitled to enforce any remedy available to District.
23
24 6. After District has declared a Contractor Default, and if Surety elects to act under Subparagraph 4.1, 4.2, or
25 4.3 above, then the responsibilities of Surety to District shall not be greater than those of Contractor under
26 the Construction Contract, and the responsibilities of District to Surety shall not be greater than those of
27 the District under the Construction Contract. To the limit of the amount of this Performance Bond, but
28 subject to commitment by District of any remaining Balance of the Agreement Price to mitigation of costs
29 and damages on the Construction Contract, Surety is obligated without duplication for:
30
31 6.1 The responsibilities of Contractor for correction of defective Work, materials and equipment and
32 completion of the Construction Contract, including all Guarantee and warranty obligations;
33
34 6.2 Additional legal, design professional, construction management and delay costs resulting from the
35 Contractor's Default, and resulting from the actions or failure to act of Surety under Paragraph 4;
36 and
37
38 6.3 Liquidated damages, or if no liquidated damages are specified in the Construction Contract, actual
39 damages caused by delayed performance or non-performance of Contractor.
40
41 7. Surety shall not be liable to District or others for obligations of Contractor that are unrelated to the
42 Construction Contract, and the Balance of the Agreement Price shall not be reduced or set off on account
43 of any such unrelated obligations. No right of action shall accrue on this Bond to any person or entity other
44 than District or its heirs, executors, administrators or successors.
45
46 8. Surety hereby waives notice of any change, including changes of money and/or time, to the Construction
47 Contract or to related subcontracts, purchase orders and other obligations.
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49 9. Any proceeding, legal or equitable, under this Bond may be instituted in any court of competent
50 jurisdiction. The prevailing party in any such action shall be entitled to recover its attorneys' fees, to be
51 taxed as an item of costs.
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53 10. Notice to Surety, District or Contractor shall be mailed, emailed or otherwise delivered to the address
54 shown on the signature page.

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11. DEFINITIONS

11.1 Balance of the Agreement Price: The total amount payable by District to Contractor under the Construction Contract after all proper adjustments have been made, including allowance to Contractor of any amounts received or to be received by District in settlement of insurance or other claims for damages to which Contractor is entitled, reduced by all valid and proper payments made to or on behalf of Contractor under the Construction Contract.

11.2 Construction Contract: The agreement between the District and the Contractor identified on the first page of this bond, including all Contract Documents and changes thereto.

11.3 Contractor Default: Failure of the Contractor, which has neither been remedied nor waived, to perform or otherwise to comply with the terms of the Construction Contract.

CONTRACTOR, as principal

SURETY

By: Jerry Shelton

By: _____

Its: President

Its: _____

Address: 6715 32nd. st N

Address: _____

Phone #: N. Highland, CA 95660

Phone # _____

Fax #: Ph: 916-769-8253

Fax #: _____

F- 916-331-5686

END OF SECTION

SECTION 00400 - PAYMENT BOND FORM

ARTICLE 1. PAYMENT BOND FORM

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, Center Joint Unified School District (hereinafter referred to as "District") and Sheltons Mechanical (hereinafter referred to as "Contractor"), have entered into a written contract for furnishing of all labor, materials, equipment, transportation and services for the construction of the Freezer/Cooler Replacement Nutrition Services Project located in Sacramento County, California (hereinafter referred to as the "Construction Contract"); and

WHEREAS, Contractor is required by the terms of the Construction Contract to furnish a bond to secure payment for all Work, labor, materials, equipment or services furnished in connection with the Construction Contract pursuant to California Civil Code Section 9550;

NOW, THEREFORE, Contractor, as principal, and _____ (hereinafter referred to as "Surety"), as surety, are held and firmly bound unto District and Claimants, as defined herein, in the penal sum of

_____ DOLLARS

_____ (\$ _____), lawful money of the United States, for the payment of which sum well and truly to be made as provided in this Payment Bond.

1. Contractor and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to District to pay for Work, labor, materials, equipment, services, amounts due under the Unemployment Insurance Code with respect to work or labor performed under the contract, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to the work and labor, or other items furnished for use and actually used in the performance of the Construction Contract, which is incorporated herein by reference.
2. With respect to District, this obligation shall be null and void if Contractor:
 - 2.1 Promptly makes payment, directly or indirectly, for all sums due Claimants, and also all the other categories of sums itemized under Civil Code section 9554 (c). This bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under California law, including but not limited to Section 9100 of the Civil Code of the State of California so as to give a right of action to those persons or their assigns in any suit brought upon this bond, and
 - 2.2 Defends, indemnifies and holds District harmless from claims, demands, liens or suits by any person or entity whose claim, demand, lien or suit is for the payment for Work, labor, materials, equipment, services or other items furnished for use in the performance of the Construction Contract.
3. With respect to Claimants, this obligation shall be null and void if Contractor promptly makes payment, directly or indirectly, for all sums due.
4. Surety shall have no obligation to Claimants under this Bond until:
 - 4.1 Claimants who are employed by or have a direct contract with Contractor have given notice to Surety (at the address described below) and sent a copy, or notice thereof, to District, stating that a claim is being made under this Payment Bond and, with substantial accuracy, the amount of the claim.
 - 4.2 Claimants who do not have a direct contract with the Contractor.

- 1
- 1 4.2.1 Have furnished written notice to Contractor and sent a copy, or notice thereof, to District,
2 as required by and conforming with Civil Code sections 9560 and 3098; and
3
- 4 4.2.2 Not having been paid within 30 days of sending the required notice, have sent a written
5 notice to Surety (at the address described below) and sent a copy to the District, stating
6 that a claim is being made under this Payment Bond and enclosing a copy of the previous
7 written notice furnished to Contractor.
8
- 9 5. When the Claimant has satisfied the conditions of Paragraph 4, Surety shall promptly and at Surety's
10 expense take the following actions:
11
- 12 5.1 Send an answer to the Claimant, with a copy to District, within 20 days after receipt of the
13 claim, stating the amounts that are undisputed and the basis for challenging any amounts that
14 are disputed.
15
- 16 5.2 Pay or arrange for payment of any undisputed amounts.
17
- 18 6. Surety's total obligation shall not exceed the amount of this Payment Bond, and the amount of this
19 Payment Bond shall be credited for any payments made in good faith by Surety.
20
- 21 7. Amounts owed by District to Contractor under the Construction Contract shall be used for the
22 performance of the Construction Contract and to satisfy claims, if any, under the Performance Bond.
23 By Contractor furnishing and District accepting this Payment Bond, they agree that all funds earned by
24 Contractor in the performance of the Construction Contract are dedicated to satisfy obligations of
25 Contractor and Surety under this Bond, subject to the District's priority to use the funds for the
26 completion of the Work or the satisfaction of District's claims, including liquidated damages, under the
27 Construction Contract.
28
- 29 8. Surety shall not be liable to District, Claimants or others for obligations of the Contractor that are
30 unrelated to the Construction Contract. District shall not be liable for payment of any costs or expenses
31 of any Claimants under this Payment Bond, and shall have under this Payment Bond no obligation to
32 make payments to, give notices on behalf of, or otherwise have any obligation to Claimants under this
33 Payment Bond.
34
- 35 9. Surety hereby waives notice of any change, including changes of money and/or time, to the
36 Construction Contract or to related subcontracts, purchase orders and other obligations.
37
- 38 10. No suit or action shall be commenced by a Claimant under this Bond other than in a court of
39 competent jurisdiction. The prevailing party in any such action shall be entitled to recover its attorneys'
40 fees, to be taxed as costs.
41
- 42 11. Notice to Surety, District or Contractor shall be mailed or delivered to the address shown on the
43 Signature page.
44
- 45 12. This Payment Bond has been furnished to comply with Civil Code sections 9550 through 9560. Any
46 provision in this Payment Bond conflicting with those statutory requirements shall be deemed deleted
47 and provisions conforming to such statutory or other legal requirement shall be deemed incorporated
48 herein. The intent is that this Payment Bond shall be construed as a statutory bond and not as a
49 common law bond.
50
- 51 13. Upon request by any person or entity appearing to be a potential beneficiary of this Payment Bond, the
52 Contractor shall promptly furnish a copy of this Payment Bond or shall permit a copy to be made.
53

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14.1 DEFINITIONS

14.1 Claimant: An individual or entity identified in California Civil Code sections 9100 or 9554.

14.2 Construction Contract: The agreement between District and Contractor identified above, including all Contract Documents and changes thereto.

CONTRACTOR, as principal

SURETY

By: Jerry Shelton By: _____

Its: President Its: _____

Address: 6715 32nd, St N N. Highland, 99664 Address: _____

Phone # 916-769-8253 Phone #: _____

Fax #: 916-331-5686 Fax #: _____

END OF SECTION

EXHIBIT A TO FORM OF CONTRACT

CERTIFICATION

I, Jerry Shelton, on behalf of Sheltons Mechanical,
certify that, pursuant to Education Code Section 45125.1 and 45125.2 and Article 18 of this Agreement, this
business entity has conducted the required criminal background check(s) of all persons who will be providing
continual supervision and monitoring of all persons who will be providing services to the Center Joint Unified
School District on behalf of this business entity, and that none of those persons have been reported by the
Department of Justice as having been convicted of a serious or violent felony as specified in Penal Code sections
11667.5(c) and/or 1192.7(c). I understand that this Certification is not to be signed and submitted until I have
received clearance from DOJ regarding those persons named.

As further required by Education Code 45125.1, submitted herewith as Exhibit B is a list of names
of the employees or agents of Sheltons Mechanical who will be providing continual
supervision and monitoring of all persons who will be providing services to the Center Joint Unified School District
on behalf of this business entity and who are required to be fingerprinted as provided in the Agreement. I agree to
keep this list current and to notify Center Joint Unified School District of any addition/deletions as they occur.

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

Executed this 7th day of November, 2016, in Sacramento County, California.

(Seal of business)

By: Jerry Shelton
[Name of Contractor's Authorized Representative]
(Please print)
President
(Title)
[Signature]
(Signature)

NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

STATE OF California)
County of Sacramento) ss.

I, Jerry Shelton, declare that I am President of Sheltons Machine the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix any overhead, profit, or cost element of the bid price, or that of any other Bidder, or to secure any advantage against the public body awarding the contract or anyone interested in the proposed contract; that all statements contained in the bid are true, and further, that the Bidder has not, directly or indirectly, submitted its bid or its bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

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


Signature of Bidder

11/7/16
Date

Jerry Shelton
Print Name

1
1 DATE: 11/7/16

CONTRACTOR'S CERTIFICATE

2 REGARDING
3 WORKERS' COMPENSATION FORM
4
5

6 Labor Code Section 3700 in relevant part provides:

7 Every employer except the State shall secure the payment of compensation in one or more of the following
8 ways:

9 1 By being insured against liability to pay compensation by one or more insurers duly authorized to
10 write compensation insurance in this State.

11 11. By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be
12 given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay
13 any compensation that may become due to employees.

14 142. For any county, city, city and county, municipal corporation, public Owner, public agency, or any political
15 subdivision of the state, including each member of a pooling arrangement under a joint exercise of powers
16 agreement (but not the state itself), by securing from the Director of Industrial Relations a certificate of consent to
17 self-insure against workers' compensation claims, which certificate may be given upon furnishing proof
18 satisfactory to the director of ability to administer workers' compensation claims properly, and to pay workers'
19 compensation claims that may become due to its employees. On or before March 31, 1979, a political subdivision
20 of the state which, on December 31, 1978, was uninsured for its liability to pay compensation, shall file a properly
21 completed and executed application for a certificate of consent to self-insure against workers' compensation
22 claims. The certificate shall be issued and be subject to the provisions of Section 3702.
23

24 I am aware of the provisions of Labor Code Section 3700 which require every employer to be insured against
25 liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code,
26 and I will comply with such provision before commencing the performance of the work of this Contract.

27

(Signature)

29
Jerry Shelton
(Print)

31
11/7/16
(Date)

33 In accordance with Article 5 (commencing at section 1860), Chapter 1, Part 7, Division 2 of the Labor Code, the
34 above certificate must be signed and submitted with the Contractor's bid.

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SECTION 00420 - GUARANTEE FORM

ARTICLE 1. GUARANTEE FORM

Terry Shelton (Contractor's Name) hereby unconditionally guarantees that the Work performed at Freezer/Cooler Replacement Nutrition Services Project, pursuant to Section 00800, Special Provisions, Article 1, Scope of Work, has been done in accordance with the requirements of the contract therefore and further guarantees the Work of the contract to be and remain free of defects in Workmanship and materials for a period of two (2) years from and after the recordation of the Notice of Completion of the Project and all contract obligations by Contractor, including formal acceptance of the entire Project by District's Board, unless a longer guarantee period is called for by the Contract Documents, in which case the terms of the longer guarantee shall govern. Contractor specifically waives any right to claim or rely on the statutory definition of completion set forth in Civil Code section 8180 and Public Contract Code section 7107. Contractor specifically acknowledges and agrees completion shall mean Contractor's complete performance of all work required by the Contract Documents, amendments, change orders, PCO/Work Orders and punch lists, and District Board's formal acceptance of the entire project, without regard to prior occupancy, substantial completion doctrine, beneficial occupancy, or otherwise. The Contractor hereby agrees to repair or replace any and all Work, together with any adjacent Work which may have been damaged or displaced in so doing, that may prove to be not in accordance with the requirements of the contract or that may be defective in its Workmanship or materials within the guarantee period specified, without any expense whatsoever to the District, ordinary wear and tear and unusual abuse and neglect only excepted. The Contractor has provided a Performance bond, which will remain in full force and effect during the guarantee period.

The Contractor further agrees that within ten (10) calendar days after being notified in writing by the District of any Work not in accordance with the requirements of the contract or any defects in the Work, it will commence and prosecute with due diligence all Work necessary to fulfill the terms of this guarantee, and to complete the Work within a period of time stipulated in writing. In the event Contractor fails to so comply, Contractor does hereby authorize the District to proceed to have such Work done at the Contractor's expense and Contractor will pay the cost thereof upon demand. The District shall be entitled to all costs, including reasonable attorneys' fees, necessarily incurred upon the Contractor's refusal to pay the above costs.

The guarantee period for corrected defective work shall continue for a duration equivalent to the original guarantee period.

Notwithstanding the foregoing paragraph, in the event of an emergency constituting an immediate hazard to the health or safety of the employees of the District, or its property or licensees, the District may undertake at the Contractor's expense without prior notice, all Work necessary to correct such hazardous condition when it was caused by the Work of the Contractor not being in accordance with the requirements of this contract, or being defective, and to charge the same to the Contractor as specified in the preceding paragraph.

The guarantee set forth herein is not intended by the parties, nor shall it be construed, as in any way limiting or reducing the District's rights to enforce all terms of the contract referenced hereinabove or the time for enforcement thereof. This guarantee is provided in addition to, and not in lieu of, the District's rights on such contract.

Terry Shelton
CONTRACTOR'S SIGNATURE

Terry Shelton
PRINT NAME

END OF SECTION

1
1 **SECTION 0800 – SPECIAL PROVISIONS**
2

3 Scope of Work:

4 Furnish and install all labor, material and equipment for all work shown and/or specified in accordance with
5 the contract documents for a complete and operational system.
6

7 Included:

8 Replace existing walk in cooler/freezer combo box. Freezer box will have a raised floor while the cooler box
9 will be at floor grade with no insulated floor. Demolition will included disconnection of refrigeration and
10 electrical, disposal of freon in accordance with EPA regulations, and removal and disposal of existing combo
11 box. Install same size new combo box, new refrigeration for freezer and cooler, new condensate lines,
12 lighting, freezer alarm, and fire sprinklers. Match electrical capacity.
13

14 Not Included:

15 Repair of unforeseen damage behind or under existing box
16

17 Schedule:

18 December 17, 2016 - December 31, 2016

Center Joint Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Superintendent's Office	Action Item <u>X</u>
To: Board of Trustees	Information Item _____
Date: November 16, 2016	# Attached Pages <u>1</u>
From: Scott A. Loehr, Superintendent	
Principal/Administrator Initials: _____	

SUBJECT: School Business Services Contract with Ryland School Business Consulting

This contract will allow Ryland School Business Consulting to provide general finance planning and business services to Center Joint Unified School District.

RECOMMENDATION: CJUSD Board of Trustees approve the School Business Services Contract with Ryland School Business Consulting.

CONSENT AGENDA



SCHOOL BUSINESS SERVICES CONTRACT

This contract is made by and between STLR Corp, dba RYLAND SCHOOL BUSINESS CONSULTING (Contractor) and the CENTER JOINT UNIFIED SCHOOL DISTRICT. Contractor will provide financial and business office services (described more specifically below) as needed and directed by District staff. In consideration of the services provided, the CENTER JOINT UNIFIED SCHOOL DISTRICT will pay to Contractor hourly fees of \$145 for professional services and for travel time. All charges, including expenses, will be approved by the Superintendent of the CENTER JOINT UNIFIED SCHOOL DISTRICT. Expenses are defined as actual, out-of-pocket expenses, such as lodging, meals, telephone charges, express or overnight mail charges, etc. The District will be billed on a monthly basis for fees and expenses. The term of this contract is twelve months.

RYLAND SCHOOL BUSINESS CONSULTING will provide general financial planning and business services to CENTER JOINT UNIFIED SCHOOL DISTRICT which may include but are not limited to the following: business office assistance and training; budget development; year-end closing of the books; general financial analysis as needed for negotiations; charter school petition evaluation and fiscal viability analysis; documentation of procedures; review lease agreements; analyze and document long-term debt; prepare/review enrollment projections and staffing; development of financial strategies and analysis related to growth or decline; recommendations for board policy; preparation or review of short-term and long-term cash flow schedules; and presentations to the governing board.

It is expressly understood and agreed to by both parties that the Contractor, while carrying out and complying with any of the terms and conditions of this agreement, is a corporation licensed in California and not an employee of the District. This contract may be terminated by either party with 30 days' notice. In the case of early termination, CENTER JOINT UNIFIED SCHOOL DISTRICT will be entitled to completion of all work in progress at its option, and RYLAND SCHOOL BUSINESS CONSULTING will be entitled to payment in full of all expenses and fees incurred.

AGREED:

Scott Loehr, Superintendent
CENTER JOINT UNIFIED SCHOOL DISTRICT

s/ Teresa R Ryland
President
RYLAND SCHOOL BUSINESS CONSULTING

Date

Date

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept. /Site: Business Department

Date: 11/04/2016

Action Item

To: Board of Trustees

Information Item

From: Lisa Coronado

Attached Page1

SUBJECT:

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

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

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

CONSENT AGENDA

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

	REGULAR	VARIABLE	SPECIAL	TOTAL PAYROLL	#OF TRANSACTIONS
JULY	\$ 981,000.75	\$ 64,821.20		\$ 1,045,821.95	271
AUG	\$ 2,503,675.78	\$ 114,671.61		\$ 2,618,347.39	835
SEPT	\$ 2,505,464.56	\$ 172,109.94		\$ 2,677,574.50	898
OCT	\$ 2,512,641.69	\$ 100,957.20		\$ 2,613,598.89	747
NOV				\$ -	
DEC				\$ -	
2-Jan				\$ -	
JAN				\$ -	
FEB				\$ -	
MARCH				\$ -	
APRIL				\$ -	
MAY				\$ -	
JUNE				\$ -	
SPECIAL				\$ -	

\$ 8,502,782.78	\$ 452,559.95	\$ -	\$ 8,955,342.73	2751
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Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Business Department

Date: October, 2016

To: Board of Trustees

From: Lisa Coronado

Action Item

Information Item

Attached Pages 46

SUBJECT: Supplemental Agenda – Commercial Warrant Registers

October 13, 2016 \$401,421.83, October 20, 2016 \$242,250.66,
October 26, 2016 \$389,802.75

The commercial warrant payments to vendors totals
\$ 1,033,475.24

RECOMMENDATION: That the CJUSD Board of Trustees approve the
Supplemental Agenda – Vendor Warrants as
presented

CONSENT AGENDA

81 CENTER UNIFIED SCHOOL DIST.
10-13-16

ACCOUNTS PAYABLE PRELIST

J14416 APY500 H.02.05 10/13/16 PAGE 0

Batch status: A All

From batch: 0019

To batch: 0019

Include Revolving Cash: Y

Include Address: N

81 CENTER UNIFIED SCHOOL DIST.
10-13-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 01 GENERAL FUND

J14416 APY500 H.02.05 10/13/16 PAGE 1
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
010002/00	ALDAR ACADEMY							
836 PO-170730	10/13/2016	SEPTEMBER		1 01-6500-0-5800-102-5750-1180-002-000 NN P		4,658.56	4,658.56	
				TOTAL PAYMENT AMOUNT	4,658.56 *		4,658.56	
010669/00	ALHAMBRA & SIERRA SPRINGS							
17 PO-170016	10/13/2016	4782453092216		1 01-8150-0-4300-106-0000-8110-007-000 NN P		111.97	111.97	
61 PO-170059	10/13/2016	4781257092216		1 01-0000-0-4300-112-0000-3600-007-000 NN P		53.53	53.53	
474 PO-170417	10/13/2016	4780794092216		1 01-0000-0-4300-110-0000-7200-004-000 NN P		47.54	47.54	
579 PO-170502	10/13/2016	4781839092216		1 01-0000-0-4300-475-3200-2700-015-000 NN P		38.04	38.04	
				TOTAL PAYMENT AMOUNT	251.08 *		251.08	
021763/00	ALL STAR RENTS							
800 PO-170701	10/13/2016	630855-10		1 01-8150-0-5600-106-0000-8110-007-000 NN P		97.15	97.15	
				TOTAL PAYMENT AMOUNT	97.15 *		97.15	
011617/00	AMADOR STAGE LINES							
1011 PO-170870	10/13/2016	CHARTER 66493		1 01-0000-0-5865-472-1110-4200-014-915 NN F		2,309.02	2,309.02	
				TOTAL PAYMENT AMOUNT	2,309.02 *		2,309.02	
017075/00	AMERICAN RIVER SPEECH INC.							
840 PO-170731	10/13/2016	SEPT		1 01-6500-0-5800-102-5750-1180-002-000 NN P		6,596.00	6,596.00	
				TOTAL PAYMENT AMOUNT	6,596.00 *		6,596.00	
021097/00	ASSOCIATED VALUATION SERVICES							
312 PO-170277	10/13/2016	5312		1 01-0000-0-5800-105-0000-7200-005-000 NN P		1,843.70	1,843.70	
				TOTAL PAYMENT AMOUNT	1,843.70 *		1,843.70	
018649/00	ASSOCIATION FOR SUPERVISION &							
1049 PO-170901	10/13/2016	1426824		1 01-0000-0-5300-101-0000-7150-002-000 NN F		89.00	89.00	
				TOTAL PAYMENT AMOUNT	89.00 *		89.00	

81 CENTER UNIFIED SCHOOL DIST.
10-13-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 01 GENERAL FUND

J14416 APY500 H.02.05 10/13/16 PAGE 2
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
010400/00	AT&T							
521 PO-170445	10/13/2019	24813481008413		1	01-0000-0-5930-106-0000-8110-007-000	NN P	9.40	9.40
					TOTAL PAYMENT AMOUNT		9.40 *	9.40
017561/00	BAIONI, KIM							
1054 PO-170904	10/13/2016	REIMB-PCOE		1	01-0000-0-5200-475-3200-1000-015-000	NN F	25.00	25.00
					TOTAL PAYMENT AMOUNT		25.00 *	25.00
021669/00	BAIONI, RON							
1010 PO-170869	10/13/2016	REIMB LOWE'S		1	01-3010-0-4300-371-1110-1000-012-000	NN F	11.27	11.27
					TOTAL PAYMENT AMOUNT		11.27 *	11.27
021245/00	BEYOND ADAPTIVE							
691 PO-170654	10/13/2016	3291		1	01-6500-0-4300-102-5750-1110-002-000	NN F	70.20	78.48
					TOTAL PAYMENT AMOUNT		78.48 *	78.48
021353/00	BIO RAD LABORATORIES							
53 PO-170051	10/13/2016	901589191		1	01-0000-0-4300-472-1110-1000-014-000	NN P	374.04	374.04
					TOTAL PAYMENT AMOUNT		374.04 *	374.04
016540/00	BLOCK AND COMPANY INC							
607 PO-170528	10/13/2016	14422286		1	01-0000-0-4300-105-0000-7200-005-000	NN F	157.14	157.14
					TOTAL PAYMENT AMOUNT		157.14 *	157.14
019075/00	BRIGHT FUTURES THERAPY							
841 PO-170732	10/13/2016	3332		1	01-6500-0-5800-102-5750-1180-002-000	NN P	18,480.00	18,480.00
					TOTAL PAYMENT AMOUNT		18,480.00 *	18,480.00
022597/00	BSN SPORTS							
721 PO-170620	10/13/2016	98266336		1	01-0000-0-4300-472-1550-1000-014-782	NN F	459.39	459.39
					TOTAL PAYMENT AMOUNT		459.39 *	459.39

81 CENTER UNIFIED SCHOOL DIST.
10-13-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 01 GENERAL FUND

J14416 APY500 H.02.05 10/13/16 PAGE 3
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT	GOAL FUNC RES DEP T9MP			
019453/00	BSN SPORTS INC							
6 PO-170005	10/13/2016	98173009		1 01-6300-0-4300-472-1110-1000-014-000	NN F	5,617.74	5,617.89	
				TOTAL PAYMENT AMOUNT	5,617.89 *		5,617.89	
011697/00	C.A.S.H.							
1032 PO-170885	10/13/2016	2016-12-7		1 01-0000-0-5300-106-0000-8200-007-000	NN F	374.00	374.00	
				TOTAL PAYMENT AMOUNT	374.00 *		374.00	
010340/00	CA DEPT OF JUSTICE							
477 PO-170420	10/13/2016	185111		1 01-0000-0-5800-110-0000-7200-004-000	NN P	433.00	433.00	
				TOTAL PAYMENT AMOUNT	433.00 *		433.00	
021678/00	CAPITOL ACADEMY							
995 PO-170864	10/13/2016	CA0033		1 01-6500-0-5800-102-5750-1180-002-000	NN P	171.28	171.28	
				TOTAL PAYMENT AMOUNT	171.28 *		171.28	
016151/00	CATHERINE STEVENS							
996 PO-170865	10/13/2016	1250		1 01-0000-0-5800-112-0000-3600-007-000	NY F	1,562.50	1,562.50	
				TOTAL PAYMENT AMOUNT	1,562.50 *		1,562.50	
011837/00	CDS MOVING EQUIPMENT							
886 PO-170771	10/13/2016	S602548-IN		1 01-0000-0-4300-114-0000-8200-007-000	NN F	181.44	182.28	
				TOTAL PAYMENT AMOUNT	182.28 *		182.28	
010407/00	CENTER UNIFIED REVOLVING FUND							
1031 PO-170884	10/13/2016	4189		1 01-3010-0-5200-103-1110-1000-003-832	NN F	525.00	525.00	
				TOTAL PAYMENT AMOUNT	525.00 *		525.00	
016355/00	CHILD THERAPY TOYS.COM							
852 PO-170745	10/13/2016	104527		1 01-6512-0-4300-102-5001-3110-003-000	NN F	95.58	89.88	
				TOTAL PAYMENT AMOUNT	89.88 *		89.88	

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE	SIT GOAL FUNC	RES DEP T9MP		
016761/00	CPM EDUCATIONAL PROGRAM							
989 PO-170857	10/13/2016	1607528-IN		1 01-0037-0-4100-103-1110-1000-003-000 NN F			428.65	427.08
				TOTAL PAYMENT AMOUNT	427.08 *			427.08
010236/00	CREATIVE BUS SALES							
68 PO-170066	10/13/2016	8016281C		1 01-0000-0-4300-112-0000-3600-007-000 NN P			613.15	613.15
68 PO-170066	10/13/2016	8017673		1 01-0000-0-4300-112-0000-3600-007-000 NN P			97.62	97.62
				TOTAL PAYMENT AMOUNT	710.77 *			710.77
014380/00	CREATIVE NOTEBOOK SOLUTIONS							
323 PO-170284	10/13/2016	6166		1 01-0000-0-4300-101-1110-1000-002-995 NN F			135.43	114.00
				TOTAL PAYMENT AMOUNT	114.00 *			114.00
018613/00	DE HOYOS, VERONICA							
994 PO-170906	10/13/2016	MILEAGE		1 01-5630-0-5800-601-1421-1000-017-000 NN F			158.76	158.76
				TOTAL PAYMENT AMOUNT	158.76 *			158.76
014858/00	DEASON, CRAIG							
1059 PO-170911	10/13/2016	REIMB-FOOD		1 01-0000-0-4300-106-0000-8110-007-000 NN F			120.21	120.21
				TOTAL PAYMENT AMOUNT	120.21 *			120.21
016855/00	DEPARTMENT OF TOXIC SUBSTANCES							
1073 PO-170921	10/13/2016	201632600		1 01-8150-0-5800-106-0000-8110-007-000 NN F			232.50	232.50
				TOTAL PAYMENT AMOUNT	232.50 *			232.50
011613/00	DITTO PRINT & COPY							
985 PO-170900	10/13/2016	5362		1 01-0000-0-5800-234-0000-2700-008-000 NN F			143.12	143.12
				TOTAL PAYMENT AMOUNT	143.12 *			143.12

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP	Liq Amt	Net Amount
018277/00	EASTER SEAL SOCIETY OF CA. INC				
1035 PO-170887	10/13/2016 JUL16		1 01-6500-0-5800-102-5750-1180-002-000 NN P	708.75	708.75
1035 PO-170887	10/13/2016 AUG16		1 01-6500-0-5800-102-5750-1180-002-000 NN P	2,645.00	2,645.00
	TOTAL PAYMENT AMOUNT		3,353.75 *		3,353.75
021610/00	EATON INTERPRETING SERVICES				
698 PO-170602	10/13/2016 300052		1 01-0000-0-5800-103-4760-1000-003-740 NN P	105.00	105.00
	TOTAL PAYMENT AMOUNT		105.00 *		105.00
019590/00	EDTECH TEAM INC				
1045 PO-170898	10/13/2016 0002781C		1 01-0370-0-5200-115-0000-7700-007-000 NN F	7,719.00	7,719.00
	TOTAL PAYMENT AMOUNT		7,719.00 *		7,719.00
015218/00	ESPINOZA, ENRIQUE				
1064 PO-170915	10/13/2016 MILEAGE		1 01-0000-0-5210-475-3200-1000-015-000 NN F	20.25	20.25
	TOTAL PAYMENT AMOUNT		20.25 *		20.25
019523/00	FOLLETT SCHOOL SOLUTIONS INC				
186 PO-170161	10/13/2016 1984999A		1 01-0037-0-4100-103-1110-1000-003-000 NN F	2,776.42	1,542.73
	TOTAL PAYMENT AMOUNT		1,542.73 *		1,542.73
016986/00	GAINES, CHARMAINE				
1066 PO-170917	10/13/2016 SEPT MILEAGE		1 01-5630-0-5800-601-1421-1000-017-000 NN F	187.70	187.70
	TOTAL PAYMENT AMOUNT		187.70 *		187.70
014243/00	GARY HENDERSON MFT				
262 PO-170238	10/13/2016 SEPT		1 01-6512-0-5800-102-5001-3110-003-000 NN P	400.00	400.00
	TOTAL PAYMENT AMOUNT		400.00 *		400.00

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Req Reference	Date	Description	FD RESO	P OBJE	SIT GOAL	FUNC RES	DEP T9MP	
								Liq Amt Net Amount
022347/00	GIVE SOMETHING BACK							
712 PO-170613	10/13/2016	IN-0535516	1	01-6500-0-4300-102-5770-1110-002-000	NN F			153.47 153.45
756 PO-170660	10/13/2016	IN-0537590	1	01-0000-0-4300-110-0000-7200-004-000	NN F			80.09 61.10
914 PO-170796	10/13/2016	IN-0546467	1	01-6300-0-4300-475-3200-1000-015-000	NN F			14.55 14.54
945 PO-170812	10/13/2016	IN-0547359	1	01-0000-0-5800-110-0000-7200-004-000	NN F			34.51 33.47
961 PO-170825	10/13/2016	IN-0548467	1	01-8150-0-4300-106-0000-8110-007-000	NN F			21.56 21.54
975 PO-170837	10/13/2016	in-0548466	1	01-0000-0-4300-103-0000-7200-003-000	NN F			76.97 76.97
PV-171032	10/13/2016	IN-0539138		01-0000-0-4300-472-1500-1000-014-000	NN			6.41 6.41
				TOTAL PAYMENT AMOUNT			367.48 *	367.48
011818/00	GOODELL PORTER SANCHEZ &							
1047 PO-170899	10/13/2016	#4126.0	1	01-0000-0-5800-105-0000-7190-005-000	NN F			11,250.00 11,250.00
				TOTAL PAYMENT AMOUNT			11,250.00 *	11,250.00
019047/00	HM RECEIVABLES CO LLC							
668 PO-170628	10/13/2016	952543092	1	01-6500-0-4300-102-5750-1110-002-000	NN F			375.86 373.16
				TOTAL PAYMENT AMOUNT			373.16 *	373.16
017603/00	HUNT, CAROL							
389 PO-170348	10/13/2016	JULY	1	01-0000-0-5200-101-0000-7150-002-000	NN P			0.59 0.59
389 PO-170348	10/13/2016	AUG	1	01-0000-0-5200-101-0000-7150-002-000	NN P			4.43 4.43
389 PO-170348	10/13/2016	SEPT	1	01-0000-0-5200-101-0000-7150-002-000	NN P			23.65 23.65
1021 PO-170879	10/13/2016	PARKING	1	01-0000-0-5200-101-0000-7150-002-000	NN F			7.00 7.00
				TOTAL PAYMENT AMOUNT			35.67 *	35.67
018990/00	INTERSTATE BATTERIES							
78 PO-170076	10/13/2016	10092964	1	01-0000-0-4300-112-0000-3600-007-000	NN P			301.62 301.62
				TOTAL PAYMENT AMOUNT			301.62 *	301.62
017830/00	MACEK, LESLIE							
993 PO-170863	10/13/2016	reimb supplies	1	01-0000-0-4300-240-1110-1000-011-000	NN F			82.74 82.74
				TOTAL PAYMENT AMOUNT			82.74 *	82.74

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Reg Reference	Date			FD RESO P OBJE SIT	GOAL FUNC RES DEP T9MP			
022406/00	MAXIM HEALTHCARE SERVICES INC							
265 PO-170231	10/13/2016	4436900262		1 01-0000-0-5800-102-0000-3140-003-000	NN P	1,037.50	1,037.50	
				TOTAL PAYMENT AMOUNT	1,037.50 *		1,037.50	
016993/00	MCGRAW HILL SCHOOL EDUCATION							
PV-171033	10/13/2016	INV 939596800019		01-0037-0-4100-103-1110-1000-003-000	NN		238.55	
				TOTAL PAYMENT AMOUNT	238.55 *		238.55	
018678/00	MCGRAW HILL SCHOOL EDUCATION							
282 PO-170246	10/13/2016	92915289001		1 01-0037-0-4200-103-1110-1000-003-000	NN F	5,060.02	4,743.20	
				TOTAL PAYMENT AMOUNT	4,743.20 *		4,743.20	
020602/00	MCGRAW HILL SCHOOL EDUCATION							
870 PO-170757	10/13/2016	205467		1 01-0037-0-4100-103-1110-1000-003-000	NN F	3,452.30	3,452.28	
				TOTAL PAYMENT AMOUNT	3,452.28 *		3,452.28	
022590/00	MICHAEL JONES							
1012 PO-170871	10/13/2016	TRIP 1092		1 01-0000-0-5800-112-0000-3600-007-000	NN P	2.82	2.82	
				TOTAL PAYMENT AMOUNT	2.82 *		2.82	
015787/00	O'REILLY AUTO PARTS							
80 PO-170078	10/13/2016	1333147		1 01-0000-0-4300-112-0000-3600-007-000	NN P	1,405.96	1,405.96	
				TOTAL PAYMENT AMOUNT	1,405.96 *		1,405.96	
017576/00	OFFICE DEPOT							
280 PO-170297	10/13/2016	854919597001		1 01-6300-0-4300-371-1110-1000-012-000	NN P	17.19	17.19	
280 PO-170297	10/13/2016	854919595002		1 01-6300-0-4300-371-1110-1000-012-000	NN P	6.44	6.44	
280 PO-170297	10/13/2016	854041762001		1 01-6300-0-4300-371-1110-1000-012-000	NN F	1,102.78	1,097.57	
445 PO-170516	10/13/2016	857279448001		1 01-0000-0-4300-234-1110-1000-008-000	NN P	647.90	647.90	
445 PO-170516	10/13/2016	857279448003		1 01-0000-0-4300-234-1110-1000-008-000	NN P	32.08	32.08	
445 PO-170516	10/13/2016	858193585001		1 01-0000-0-4300-234-1110-1000-008-000	NN P	1.73	1.73	
445 PO-170516	10/13/2016	859893446001		1 01-0000-0-4300-234-1110-1000-008-000	NN P	9.03	9.03	
445 PO-170516	10/13/2016	858107664001		1 01-0000-0-4300-234-1110-1000-008-000	NN P	5.16	5.16	
445 PO-170516	10/13/2016	857279451001		1 01-0000-0-4300-234-1110-1000-008-000	NN P	3.66	3.66	

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Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
011345/00	PLACER LEARNING CENTER							
980 PO-170852	10/13/2016	SEPTEMBER		1	01-6500-0-5800-102-5750-1180-002-000	NN P	16,885.26	16,885.26
TOTAL PAYMENT AMOUNT							16,885.26 *	16,885.26
014069/00	PLATT ELECTRIC SUPPLY INC							
28 PO-170027	10/13/2016	K462878 PARTIAL		1	01-8150-0-4300-106-0000-8110-007-000	NN P	125.25	125.25
1027 PO-170883	10/13/2016	K426044		1	01-0000-0-4300-111-0000-8200-007-939	NN F	4,717.04	4,717.04
1044 PO-170897	10/13/2016	K462878		1	01-0000-0-4300-111-0000-8200-007-939	NN F	601.00	601.00
TOTAL PAYMENT AMOUNT							5,443.29 *	5,443.29
022525/00	POST-IT LLC							
472 PO-170416	10/13/2016	JULY		1	01-0000-0-5800-110-0000-7200-004-000	NN P	392.00	392.00
472 PO-170416	10/13/2016	AUGUST		1	01-0000-0-5800-110-0000-7200-004-000	NN P	260.00	260.00
TOTAL PAYMENT AMOUNT							652.00 *	652.00
016973/00	PROJECT LEAD THE WAY							
365 PO-170329	10/13/2016	73533		1	01-6382-0-4300-472-1110-1000-014-000	NN P	3,605.04	3,605.04
365 PO-170329	10/13/2016	72969		1	01-6382-0-4300-472-1110-1000-014-000	NN F	540.00	540.00
TOTAL PAYMENT AMOUNT							4,145.04 *	4,145.04
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
82 PO-170079	10/13/2016	180259486		1	01-0000-0-5600-112-0000-3600-007-000	NN P	67.89	67.89
TOTAL PAYMENT AMOUNT							67.89 *	67.89
011242/00	RELIANCE COMMUNICATIONS LLC							
1033 PO-170892	10/13/2016	91345		1	01-0000-0-5800-103-0000-7200-003-000	NN F	6,811.00	6,811.00
TOTAL PAYMENT AMOUNT							6,811.00 *	6,811.00
014024/00	REMEDIA PUBLICATIONS							
624 PO-170545	10/13/2016	465488		1	01-6500-0-4300-102-5770-1110-002-000	YN F	119.78	109.98
TOTAL PAYMENT AMOUNT							109.98 *	109.98
TOTAL USE TAX AMOUNT							8.80	

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Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC	RES DEP T9MP	
							Liq Amt
							Net Amount
010546/00	RIVERSIDE PUBLISHING CO.						
868 PO-170766	10/13/2016	952656362	1	01-6500-0-4300-102-5750-1110-002-000	NN F		
TOTAL PAYMENT AMOUNT							186.58
							186.58
018524/00	ROSS RECREATION EQUIP CO.INC.						
720 PO-170619	10/13/2016	99407	1	01-8150-0-4300-106-0000-8110-007-000	NN F		
TOTAL PAYMENT AMOUNT							220.75
							220.75
010315/00	SAC CO OFFICE OF ED FIN SVCS						
987 PO-170861	10/13/2016	170372	1	01-0000-0-4300-110-0000-7200-004-000	NN F		
TOTAL PAYMENT AMOUNT							199.00
							199.00
010552/00	SAC VAL JANITORIAL						
257 PO-170222	10/13/2016	10209385	1	01-0000-0-9320-000-0000-0000-000-000	NN P		
257 PO-170222	10/13/2016	10208360	1	01-0000-0-9320-000-0000-0000-000-000	NN P		
257 PO-170222	10/13/2016	10210794	1	01-0000-0-9320-000-0000-0000-000-000	NN P		
257 PO-170222	10/13/2016	10197738	1	01-0000-0-9320-000-0000-0000-000-000	NN P		
TOTAL PAYMENT AMOUNT							3,957.21
							3,957.21
010266/00	SACRAMENTO COUNTY UTILITIES						
122 PO-170093	10/13/2016	50000918618	1	01-0000-0-5520-106-0000-8110-007-000	NN P		
122 PO-170093	10/13/2016	50000918556	1	01-0000-0-5520-106-0000-8110-007-000	NN P		
122 PO-170093	10/13/2016	50000918485	1	01-0000-0-5520-106-0000-8110-007-000	NN P		
TOTAL PAYMENT AMOUNT							4,129.11
							4,129.11
020981/00	SAVE MART SUPERMARKETS						
605 PO-170526	10/13/2016	8-23-16	1	01-6500-0-4300-102-5750-1110-002-000	NN P		
605 PO-170526	10/13/2016	2295697	1	01-6500-0-4300-102-5750-1110-002-000	NN P		
TOTAL PAYMENT AMOUNT							46.35
							46.35
015490/00	SCHOOL APPTITUDE						
570 PO-170491	10/13/2016	1423	1	01-0000-0-4300-472-0000-2700-014-000	NN F		
TOTAL PAYMENT AMOUNT							996.00
							996.00

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num							
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP								Liq Amt	Net Amount
018297/00	SCHOOL SERVICES OF CALIFORNIA											
755 PO-170659	10/13/2016	W092051-IN	1 01-0000-0-5200-110-0000-7200-004-000 NN F								205.00	205.00
TOTAL PAYMENT AMOUNT										205.00 *	205.00	205.00
018930/00	SCHOOL SPECIALTY/CLASSROOM DIR											
815 PO-170720	10/13/2016	30810261979	2 01-0000-0-4300-240-0000-2700-011-000 NN F								268.22	258.24
815 PO-170720	10/13/2016	308102619791	1 01-0000-0-4300-240-1110-1000-011-000 NN F								115.91	115.91
TOTAL PAYMENT AMOUNT										374.15 *	374.15	374.15
011500/00	SCHOOLS INSURANCE AUTHORITY											
PV-171030	10/13/2016	October	01-0000-0-9552-000-0000-0000-000-000 NN									48,711.86
TOTAL PAYMENT AMOUNT										48,711.86 *	48,711.86	48,711.86
016043/00	SHELTONS UNLIMITED MECHANICAL											
976 PO-170838	10/13/2016	16-18326	1 01-8150-0-5600-106-0000-8110-007-000 NN P								72.00	72.00
TOTAL PAYMENT AMOUNT										72.00 *	72.00	72.00
020811/00	SHRED-IT USA LLC											
499 PO-170430	10/13/2016	8120871940	1 01-0000-0-5800-472-0000-2700-014-000 NN P								36.57	36.57
TOTAL PAYMENT AMOUNT										36.57 *	36.57	36.57
010263/00	SMUD											
112 PO-170179	10/13/2016	7000000347	1 01-0000-0-5510-106-0000-8110-007-000 NN P								80,729.90	80,729.90
TOTAL PAYMENT AMOUNT										80,729.90 *	80,729.90	80,729.90
019771/00	SOCIAL THINKING											
869 PO-170756	10/13/2016	INV03918	1 01-6512-0-4200-102-5001-3110-003-000 NN F								285.91	285.91
869 PO-170756	10/13/2016	INV003918	2 01-6512-0-4300-102-5001-3110-003-000 NN F								116.49	103.18
TOTAL PAYMENT AMOUNT										389.09 *	389.09	389.09

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021450/00	SOUND & SIGNAL INC.						
991 PO-170862	10/13/2016	31725	1	01-8150-0-4300-106-0000-8110-007-000	NN F	243.00	243.00
991 PO-170862	10/13/2016	31725	2	01-8150-0-5800-106-0000-8110-007-000	NN F	180.00	180.00
TOTAL PAYMENT AMOUNT						423.00 *	423.00
020252/00	STAPLES BUSINESS ADVANTAGE						
391 PO-170350	10/13/2016	3309983406	1	01-0000-0-4300-101-0000-7150-002-000	NN P	78.69	78.69
391 PO-170350	10/13/2016	3309983412	1	01-0000-0-4300-101-0000-7150-002-000	NN P	17.57	17.57
391 PO-170350	10/13/2016	3310267080	1	01-0000-0-4300-101-0000-7150-002-000	NN F	1.94	0.55
717 PO-170617	10/13/2016	3312609954	1	01-0000-0-4300-472-1385-1000-014-000	NN P	19.42	19.42
717 PO-170617	10/13/2016	3312609953	1	01-0000-0-4300-472-1385-1000-014-000	NN P	9.82	9.82
717 PO-170617	10/13/2016	3312609952	1	01-0000-0-4300-472-1385-1000-014-000	NN F	142.09	141.45
857 PO-170748	10/13/2016	3315127658	1	01-6512-0-5200-102-5001-3110-003-000	NN P	33.28	33.28
857 PO-170748	10/13/2016	3315127663	1	01-6512-0-5200-102-5001-3110-003-000	NN P	110.25	110.25
857 PO-170748	10/13/2016	3315732408	1	01-6512-0-5200-102-5001-3110-003-000	NN P	40.95	40.95
857 PO-170748	10/13/2016	3316127275	1	01-6512-0-5200-102-5001-3110-003-000	NN F	42.95	38.02
TOTAL PAYMENT AMOUNT						490.00 *	490.00
010137/00	STATE BOARD OF EQUALIZATION						
1038 PO-170889	10/13/2016	57-415168	1	01-0000-0-5800-112-0000-3600-007-000	NN P	60.34	60.34
TOTAL PAYMENT AMOUNT						60.34 *	60.34
017285/00	TEACHER INNOVATIONS INC						
854 PO-170746	10/13/2016	392598	1	01-0000-0-5800-236-1110-1000-009-000	NN F	302.40	302.40
TOTAL PAYMENT AMOUNT						302.40 *	302.40
018015/00	TOMPKINS, SHELLEY						
1065 PO-170916	10/13/2016	REIMB-MATERIAL	1	01-5630-0-4300-601-1421-1000-017-000	NN F	50.76	50.76
TOTAL PAYMENT AMOUNT						50.76 *	50.76
014278/00	TOUCHBOARDS						
722 PO-170621	10/13/2016	0465484-IN	1	01-0370-0-4400-115-0000-7700-007-000	YN F	2,434.47	2,271.45
TOTAL PAYMENT AMOUNT						2,271.45 *	2,271.45
TOTAL USE TAX AMOUNT						181.72	

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
011554/00	TRACTOR SUPPLY CO						
55 PO-170053	10/13/2016	6035301203476674	1 01-0000-0-4300-106-0000-8110-007-000 NN P			24.99	24.99
855 PO-170747	10/13/2016	6035301203476674	1 01-0000-0-4300-236-1110-1000-009-000 NN F			64.79	64.79
984 PO-170855	10/13/2016	6035301203476674	1 01-0000-0-4300-112-0000-3600-007-000 NN P			171.96	171.96
1016 PO-170874	10/13/2016	6035301203476674	1 01-0000-0-4300-111-0000-8200-007-000 NN P			6.99	6.99
TOTAL PAYMENT AMOUNT			268.73 *				268.73
010139/00	TROKELL COMMUNICATIONS INC						
922 PO-170800	10/13/2016	920092	1 01-0370-0-4400-115-0000-7700-007-000 NN P			73,188.01	73,188.01
922 PO-170800	10/13/2016	920084	1 01-0370-0-4400-115-0000-7700-007-000 NN P			7,410.00	7,410.00
TOTAL PAYMENT AMOUNT			80,598.01 *				80,598.01
016370/00	TWIN RIVERS UNIFIED SCH DIST						
817 PO-170741	10/13/2016	170565	1 01-0000-0-5800-105-0000-8300-005-000 NN P			11,833.33	11,833.33
TOTAL PAYMENT AMOUNT			11,833.33 *				11,833.33
022179/00	US HEALTHWORKS						
475 PO-170418	10/13/2016	2969321-CA	1 01-0000-0-5800-110-0000-7200-004-000 NN P			99.00	99.00
475 PO-170418	10/13/2016	2973066-CA	1 01-0000-0-5800-110-0000-7200-004-000 NN P			99.00	99.00
TOTAL PAYMENT AMOUNT			198.00 *				198.00
016252/00	WALTON ENGINEERING INC						
87 PO-170084	10/13/2016	106876	1 01-0000-0-5800-112-0000-3600-007-000 NN P			975.00	975.00
TOTAL PAYMENT AMOUNT			975.00 *				975.00
010843/00	WILCO SUPPLY						
39 PO-170038	10/13/2016	16H2302101	1 01-8150-0-4300-106-0000-8110-007-000 NN P			125.00	125.00
TOTAL PAYMENT AMOUNT			125.00 *				125.00
TOTAL FUND PAYMENT			363,175.08 **				363,175.08
TOTAL USE TAX AMOUNT			190.52				

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 09 CHARTER SCHOOLS

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num			
Req Reference	Date	Description	FD RESO	P OBJE	SIT GOAL	FUNC RES	DEP T9MP	Liq Amt
								Net Amount
010669/00		ALHAMBRA & SIERRA SPRINGS						
456 PO-170397	10/13/2016	4779099092616						
			1	09-0700-0-4300-503-1110-1000-018-000	NN	P		11.60
		TOTAL PAYMENT AMOUNT						11.60
								11.60
		TOTAL FUND						
		PAYMENT						11.60
								11.60

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
020098/00	BIG TRAY							
105 PO-170112	10/13/2016	789112		1 13-5310-0-4400-108-0000-3700-007-000 NN P		157.55	157.55	
105 PO-170112	10/13/2016	789117		1 13-5310-0-4400-108-0000-3700-007-000 NN P		69.55	69.55	
105 PO-170112	10/13/2016	789113		1 13-5310-0-4400-108-0000-3700-007-000 NN P		30.33	30.33	
TOTAL PAYMENT AMOUNT				257.43 *			257.43	
011205/00	CULTURE SHOCK YOGURT							
95 PO-170107	10/13/2016	4092		1 13-5310-0-4700-108-0000-3700-007-000 NN P		214.00	214.00	
TOTAL PAYMENT AMOUNT				214.00 *			214.00	
011602/00	DANIELSEN CO., THE							
705 PO-170608	10/13/2016	114086		2 13-5310-0-4300-108-0000-3700-007-000 NN P		57.36	57.36	
705 PO-170608	10/13/2016	114086		1 13-5310-0-4700-108-0000-3700-007-000 NN P		1,882.98	1,882.98	
TOTAL PAYMENT AMOUNT				1,940.34 *			1,940.34	
016670/00	FATCAT BAKERY							
100 PO-170110	10/13/2016	11848		1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,100.00	2,100.00	
TOTAL PAYMENT AMOUNT				2,100.00 *			2,100.00	
021080/00	GOLD STAR FOODS INC							
708 PO-170610	10/13/2016	1797563-1104636		1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,474.86	2,474.86	
708 PO-170610	10/13/2016	1806616-1110670		1 13-5310-0-4700-108-0000-3700-007-000 NN P		10,194.69	10,194.69	
TOTAL PAYMENT AMOUNT				12,669.55 *			12,669.55	
022364/00	HEARTLAND SCHOOL SOLUTIONS							
192 PO-170165	10/13/2016	inv0000006439		1 13-5310-0-5300-108-0000-3700-007-000 NN P		670.95	670.95	
TOTAL PAYMENT AMOUNT				670.95 *			670.95	
017267/00	LASER AGE							
1028 PO-170886	10/13/2016	82654		1 13-5310-0-4300-108-0000-3700-007-000 NN F		117.72	117.72	
TOTAL PAYMENT AMOUNT				117.72 *			117.72	

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0019 10-14-16
FUND : 13 CAFETERIA FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
017580/00	MARRIOTT HOTEL/ANAHEIM							
	PV-171031	10/13/2016 conf-9488350			13-5310-0-5200-108-0000-3700-007-000 NN		561.33	561.33
					TOTAL PAYMENT AMOUNT	561.33 *		561.33
019993/00	PROPACIFIC FRESH							
94	PO-170106	10/13/2016 62230			1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,695.21	2,695.21
94	PO-170106	10/13/2016 60270			1 13-5310-0-4700-108-0000-3700-007-000 NN P		6,379.29	6,379.29
94	PO-170106	10/13/2016 61883			1 13-5310-0-4700-108-0000-3700-007-000 NN P		917.53	917.53
94	PO-170106	10/13/2016 65956			1 13-5310-0-4700-108-0000-3700-007-000 NN P		476.00	476.00
94	PO-170106	10/13/2016 60507			1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,313.05	2,313.05
94	PO-170106	10/13/2016 61169			1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,180.72	2,180.72
94	PO-170106	10/13/2016 61188			1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,023.84	2,023.84
					TOTAL PAYMENT AMOUNT	16,985.64 *		16,985.64
021194/00	PRUDENTIAL OVERALL SUPPLY INC							
101	PO-170111	10/13/2016 180259485			1 13-5310-0-5800-108-0000-3700-007-000 NN P		44.68	44.68
101	PO-170111	10/13/2016 180260054			1 13-5310-0-5800-108-0000-3700-007-000 NN P		44.68	44.68
					TOTAL PAYMENT AMOUNT	89.36 *		89.36
011422/00	SYSCO OF SAN FRANCISCO							
89	PO-170103	10/13/2016 610042235			2 13-5310-0-4300-108-0000-3700-007-000 NN P		383.77	383.77
89	PO-170103	10/13/2016 610042235			1 13-5310-0-4700-108-0000-3700-007-000 NN P		2,173.01	2,173.01
89	PO-170103	10/13/2016 610042236-1740437PUCOR			1 13-5310-0-4700-108-0000-3700-007-000 NN P		49.65	49.65
					TOTAL PAYMENT AMOUNT	2,606.43 *		2,606.43
015170/00	WILLIAMS, RACHAEL							
981	PO-170860	10/13/2016 REFUND			1 13-5310-0-8634-000-0000-0000-000-000 NN F		22.40	22.40
					TOTAL PAYMENT AMOUNT	22.40 *		22.40
					TOTAL FUND PAYMENT	38,235.15 **		38,235.15
					TOTAL BATCH PAYMENT	401,421.83 ***	0.00	401,421.83
					TOTAL USE TAX AMOUNT	190.52		
					TOTAL DISTRICT PAYMENT	401,421.83 ****	0.00	401,421.83
					TOTAL USE TAX AMOUNT	190.52		
					TOTAL FOR ALL DISTRICTS:	401,421.83 ****	0.00	401,421.83
					TOTAL USE TAX AMOUNT	190.52		

Number of warrants to be printed: 100, not counting voids due to stub overflows.

Batch status: A All

From batch: 0020

To batch: 0020

Include Revolving Cash: Y

Include Address: N

81 CENTER UNIFIED SCHOOL DIST.
10-20-2016

ACCOUNTS PAYABLE PRELIST
BATCH: 0020 10-20-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount	
Req Reference	Date	Description	FD RESO	P OBJE	SIT GOAL	FUNC RES	DEF T9MP	
016883/00	123	OFFICE SOLUTION						
737	PO-170639	10/20/2016	INV02487	1	01-0000-0-9320-000-0000-0000-000	NN P	1,417.50	1,417.50
737	PO-170639	10/20/2016	INV02503	1	01-0000-0-9320-000-0000-0000-000	NN F	202.50	202.50
TOTAL PAYMENT AMOUNT					1,620.00 *		1,620.00	
010669/00	ALHAMBRA & SIERRA SPRINGS							
163	PO-170142	10/20/2016	14871405100716	1	01-6500-0-4300-102-5001-2700-002-000	NN P	58.16	58.16
608	PO-170529	10/20/2016	4780818100616	1	01-0000-0-4300-105-0000-7200-005-000	NN P	23.58	23.58
TOTAL PAYMENT AMOUNT					81.74 *		81.74	
021763/00	ALL STAR RENTS							
800	PO-170701	10/20/2016	631762.10	1	01-8150-0-5600-106-0000-8110-007-000	NN P	450.89	450.89
TOTAL PAYMENT AMOUNT					450.89 *		450.89	
022584/00	APPLE INC.							
530	PO-170473	10/20/2016	4395990510	1	01-6387-0-4300-472-1110-1000-014-000	NN F	192.24	192.24
530	PO-170473	10/20/2016	4396016100	2	01-6387-0-4400-472-1110-1000-014-000	NN F	3,800.52	3,800.52
530	PO-170473	10/20/2016	4395990510	3	01-6387-0-5600-472-1110-1000-014-000	NN F	199.00	199.00
TOTAL PAYMENT AMOUNT					4,191.76 *		4,191.76	
022066/00	ARROW PLUMBING INC							
1103	PO-170943	10/20/2016	21335	1	01-8150-0-5800-106-0000-8110-007-000	NN F	220.00	220.00
TOTAL PAYMENT AMOUNT					220.00 *		220.00	
011481/00	AT&T							
904	PO-170793	10/20/2016	9391028109	1	01-0000-0-5930-106-0000-8110-007-000	NN P	6,554.21	6,554.21
TOTAL PAYMENT AMOUNT					6,554.21 *		6,554.21	
018533/00	ATKINSON ANDELSON LOYA RUDD							
711	PO-170612	10/20/2016	506835	1	01-0000-0-5880-105-0000-7200-005-000	NE P	4,660.69	4,660.69
TOTAL PAYMENT AMOUNT					4,660.69 *		4,660.69	

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0020 10-20-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
021604/00	ATLAS DISPOSAL INDUSTRIES							
91 PO-170174	10/20/2016	1032		1	01-0000-0-5525-106-0000-8110-007-000	NN P	209.54	209.54
91 PO-170174	10/20/2016	1031		1	01-0000-0-5525-106-0000-8110-007-000	NN P	504.15	504.15
91 PO-170174	10/20/2016	189538		1	01-0000-0-5525-106-0000-8110-007-000	NN P	933.00	933.00
TOTAL PAYMENT AMOUNT							1,646.69 *	1,646.69
021669/00	BAIONI, RON							
1098 PO-170939	10/20/2016	REIMB ADAPTERS		1	01-0000-0-4300-475-3200-1000-015-000	NN F	26.97	26.97
1095 PO-170947	10/20/2016	REIMB PARTS		1	01-0000-0-4300-371-1110-1000-012-000	NN F	90.93	90.93
TOTAL PAYMENT AMOUNT							117.90 *	117.90
010442/00	BAR HEIN							
48 PO-170224	10/20/2016	507653		1	01-0000-0-4300-106-0000-8110-007-000	NN P	75.98	75.98
TOTAL PAYMENT AMOUNT							75.98 *	75.98
010537/00	BISHOP, APRIL							
1068 PO-170928	10/20/2016	REIMB PARKING		1	01-0000-0-5200-115-0000-7700-007-000	NN F	25.00	25.00
TOTAL PAYMENT AMOUNT							25.00 *	25.00
013988/00	BUTTES/CENTER STATE PIPE &							
11 PO-170010	10/20/2016	S009228360.001		1	01-8150-0-4300-106-0000-8110-007-000	NN P	279.10	279.10
11 PO-170010	10/20/2016	S009252291.001		1	01-8150-0-4300-106-0000-8110-007-000	NN P	106.92	106.92
11 PO-170010	10/20/2016	S009254979.001		1	01-8150-0-4300-106-0000-8110-007-000	NN P	297.57	297.57
TOTAL PAYMENT AMOUNT							683.59 *	683.59
021678/00	CAPITOL ACADEMY							
995 PO-170864	10/20/2016	CA0040		1	01-6500-0-5800-102-5750-1180-002-000	NN P	3,596.88	3,596.88
995 PO-170864	10/20/2016	CA0052		1	01-6500-0-5800-102-5750-1180-002-000	NN P	400.00	400.00
TOTAL PAYMENT AMOUNT							3,996.88 *	3,996.88
011374/00	CAPITOL MECHANICAL INC							
1084 PO-170923	10/20/2016	RK1782		1	01-8150-0-5800-106-0000-8110-007-000	NN P	480.00	480.00
1084 PO-170923	10/20/2016	RK1778		1	01-8150-0-5800-106-0000-8110-007-000	NN F	400.00	400.00
TOTAL PAYMENT AMOUNT							880.00 *	880.00

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0020 10-20-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
020305/00 CDW GOVERNMENT INC.								
689 PO-170598	10/20/2016	FFC4601		1 01-0000-0-4400-472-0000-2700-014-000 NN F		1,878.72	1,878.72	
744 PO-170647	10/20/2016	FJH2687		1 01-6387-0-5800-472-1110-1000-014-000 NN F		2,837.10	2,837.10	
1019 PO-170877	10/20/2016	FPC1952		1 01-0000-0-4300-115-0000-7700-007-000 NN P		108.58	108.58	
1019 PO-170877	10/20/2016	FNS5173		1 01-0000-0-4300-115-0000-7700-007-000 NN F		65.08	54.50	
TOTAL PAYMENT AMOUNT				4,878.90 *			4,878.90	
010236/00 CREATIVE BUS SALES								
68 PO-170066	10/20/2016	8017739		1 01-0000-0-4300-112-0000-3600-007-000 NN P		399.97	399.97	
68 PO-170066	10/20/2016	5097270		1 01-0000-0-4300-112-0000-3600-007-000 NN P		418.74	418.74	
TOTAL PAYMENT AMOUNT				818.71 *			818.71	
021797/00 D3 SPORTS INC								
571 PO-170492	10/20/2016	24417		1 01-7220-0-5800-472-1110-1000-014-000 NN F		2,278.80	2,278.80	
1014 PO-170872	10/20/2016	24961		1 01-0000-0-5800-112-0000-3600-007-000 NN F		1,313.28	1,313.28	
1014 PO-170872	10/20/2016	24961		2 01-8150-0-5800-106-0000-8110-007-000 NN F		30.24	30.24	
TOTAL PAYMENT AMOUNT				3,622.32 *			3,622.32	
018507/00 DILES, JACQUELYN								
596 PO-170515	10/20/2016	AUG-OCT		1 01-0000-0-5210-105-0000-7200-005-000 NN P		45.85	45.85	
TOTAL PAYMENT AMOUNT				45.85 *			45.85	
018448/00 DRIVE LINE SERVICE INC.								
1104 PO-170944	10/20/2016	335842		1 01-0000-0-4300-112-0000-3600-007-000 NN F		843.49	843.49	
TOTAL PAYMENT AMOUNT				843.49 *			843.49	
010336/00 ECOTECH PEST MANAGEMENT INC								
109 PO-170177	10/20/2016	11920		1 01-0000-0-5500-106-0000-8110-007-000 NN P		1,500.00	1,500.00	
109 PO-170177	10/20/2016	12545		1 01-0000-0-5500-106-0000-8110-007-000 NN P		787.00	787.00	
109 PO-170177	10/20/2016	12653		1 01-0000-0-5500-106-0000-8110-007-000 NN P		2,000.00	2,000.00	
TOTAL PAYMENT AMOUNT				4,287.00 *			4,287.00	

81 CENTER UNIFIED SCHOOL DIST.
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BATCH: 0020 10-20-16
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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
011569/00	EMC PUBLISHING							
879 PO-170769	10/20/2016	10773447		1 01-0037-0-4100-103-1110-1000-003-000 NN F		28,641.72	28,529.02	
				TOTAL PAYMENT AMOUNT	28,529.02 *		28,529.02	
010592/00	EWING IRRIGATION PRODUCTS							
415 PO-170364	10/20/2016	2267278		1 01-0000-0-4300-106-0000-8110-007-000 NN P		85.59	85.59	
				TOTAL PAYMENT AMOUNT	85.59 *		85.59	
019704/00	FRISCH, JOYCE							
1094 PO-170937	10/20/2016	REIMB MICROWAVE		1 01-0000-0-4300-371-0000-2700-012-000 NN F		81.69	81.69	
				TOTAL PAYMENT AMOUNT	81.69 *		81.69	
018104/00	FRY'S ELECTRONICS							
269 PO-170241	10/20/2016	6760829		1 01-8150-0-4300-106-0000-8110-007-000 NN P		104.25	104.25	
				TOTAL PAYMENT AMOUNT	104.25 *		104.25	
021764/00	FUTURE FORD OF SACRAMENTO							
75 PO-170073	10/20/2016	329028		1 01-0000-0-4300-112-0000-3600-007-000 NN P		86.75	86.75	
				TOTAL PAYMENT AMOUNT	86.75 *		86.75	
017681/00	GEARY PACIFIC SUPPLY							
42 PO-170041	10/20/2016	3321986		1 01-8150-0-4300-106-0000-8110-007-000 NN P		262.18	262.18	
				TOTAL PAYMENT AMOUNT	262.18 *		262.18	
022347/00	GIVE SOMETHING BACK							
863 PO-170752	10/20/2016	IN-0544811		1 01-6512-0-4300-102-5001-3110-003-000 NN P		135.96	135.96	
863 PO-170752	10/20/2016	IN-0545931		1 01-6512-0-4300-102-5001-3110-003-000 NN P		19.88	19.88	
863 PO-170752	10/20/2016	IN-0553673		1 01-6512-0-4300-102-5001-3110-003-000 NN F		38.46	22.54	
				TOTAL PAYMENT AMOUNT	178.38 *		178.38	

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

017718/00	GUIDING HANDS INC.							
1058 PO-170927	10/20/2016	3805		1 01-6500-0-5800-102-5750-1180-002-000 NN P		3,649.58	3,649.58	
1058 PO-170927	10/20/2016	3824		1 01-6500-0-5800-102-5750-1180-002-000 NN P		180.00	180.00	
1058 PO-170927	10/20/2016	3890		1 01-6500-0-5800-102-5750-1180-002-000 NN P		225.00	225.00	
1058 PO-170927	10/20/2016	3870		1 01-6500-0-5800-102-5750-1180-002-000 NN P		4,313.14	4,313.14	
				TOTAL PAYMENT AMOUNT	8,367.72 *		8,367.72	
015636/00	HASTIE'S SAND AND GRAVEL							
50 PO-170048	10/20/2016	144983		1 01-0000-0-4300-106-0000-8110-007-000 NN P		79.56	79.56	
1112 PO-170951	10/20/2016	145155		1 01-0000-0-4300-106-0000-8110-007-000 NN F		1,012.50	1,012.50	
				TOTAL PAYMENT AMOUNT	1,092.06 *		1,092.06	
010602/00	HI-LINE ELECTRICAL & MECH							
88 PO-170085	10/20/2016	10491557		1 01-0000-0-4300-112-0000-3600-007-000 NN P		711.24	711.24	
				TOTAL PAYMENT AMOUNT	711.24 *		711.24	
017002/00	HOME DEPOT CREDIT SERVICES							
22 PO-170021	10/20/2016	9070822		1 01-8150-0-4300-106-0000-8110-007-000 NN P		244.66	244.66	
22 PO-170021	10/20/2016	8280654		1 01-8150-0-4300-106-0000-8110-007-000 NN P		46.27	46.27	
22 PO-170021	10/20/2016	10061		1 01-8150-0-4300-106-0000-8110-007-000 NN P		10.18	10.18	
22 PO-170021	10/20/2016	581936		1 01-8150-0-4300-106-0000-8110-007-000 NN P		34.68	34.68	
22 PO-170021	10/20/2016	5010672		1 01-8150-0-4300-106-0000-8110-007-000 NN P		142.99	142.99	
22 PO-170021	10/20/2016	5293433		1 01-8150-0-4300-106-0000-8110-007-000 NN P		462.34	462.34	
22 PO-170021	10/20/2016	9010280		1 01-8150-0-4300-106-0000-8110-007-000 NN P		35.92	35.92	
22 PO-170021	10/20/2016	8021784		1 01-8150-0-4300-106-0000-8110-007-000 NN P		64.34	64.34	
22 PO-170021	10/20/2016	7560451		1 01-8150-0-4300-106-0000-8110-007-000 NN P		91.58	91.58	
22 PO-170021	10/20/2016	5022228		1 01-8150-0-4300-106-0000-8110-007-000 NN P		46.79	46.79	
22 PO-170021	10/20/2016	2583619		1 01-8150-0-4300-106-0000-8110-007-000 NN P		40.02	40.02	
22 PO-170021	10/20/2016	1011376		1 01-8150-0-4300-106-0000-8110-007-000 NN P		37.52	37.52	
22 PO-170021	10/20/2016	1593663		1 01-8150-0-4300-106-0000-8110-007-000 NN P		53.40	53.40	
52 PO-170050	10/20/2016	9015068		1 01-0000-0-4300-106-0000-8110-007-000 NN P		501.98	501.98	
1135 PO-170964	10/20/2016	6803829		1 01-0000-0-4300-111-0000-8200-007-000 NN F		545.69	545.69	
				TOTAL PAYMENT AMOUNT	2,358.36 *		2,358.36	
017077/00	IMAGE MARKET							
930 PO-170804	10/20/2016	375010		1 01-0000-0-5800-371-1110-1000-012-000 YN F		1,119.58	1,036.65	
				TOTAL PAYMENT AMOUNT	1,036.65 *		1,036.65	
				TOTAL USE TAX AMOUNT	82.93			

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
022114/00	IZA DESIGN							
952 PO-170821	10/20/2016	INV36609		1	01-3010-0-5800-371-1110-1000-012-916	NN F	752.00	752.00
TOTAL PAYMENT AMOUNT							752.00 *	752.00
010728/00	JOHNSTONE SUPPLY OF SACRAMENTO							
1136 PO-170965	10/20/2016	27-s2146610.001		1	01-8150-0-4300-106-0000-8110-007-000	NN P	368.74	368.74
TOTAL PAYMENT AMOUNT							368.74 *	368.74
016750/00	JUST SEND IT POSTAL CENTER							
699 PO-170603	10/20/2016	ID 1437		1	01-5630-0-5800-601-1421-1000-017-000	NN P	605.00	605.00
1037 PO-170888	10/20/2016	ACCOUNT 1		1	01-8150-0-5800-106-0000-8110-007-000	NN P	30.00	30.00
TOTAL PAYMENT AMOUNT							635.00 *	635.00
019175/00	LAWSON PRODUCTS							
804 PO-170705	10/20/2016	9304391403		1	01-0000-0-4300-112-0000-3600-007-000	NN P	71.55	71.55
TOTAL PAYMENT AMOUNT							71.55 *	71.55
016076/00	LES SCHWAB TIRE CENTER							
181 PO-170158	10/20/2016	64300222867		1	01-0000-0-5800-112-0000-3600-007-000	NN P	134.00	134.00
181 PO-170158	10/20/2016	64300222909		1	01-0000-0-5800-112-0000-3600-007-000	NN P	120.00	120.00
TOTAL PAYMENT AMOUNT							254.00 *	254.00
017726/00	LOS ANGELES FREIGHTLINER							
889 PO-170772	10/20/2016	BP141631		1	01-0000-0-4300-112-0000-3600-007-000	NN P	80.78	80.78
889 PO-170772	10/20/2016	BN81485		1	01-0000-0-4300-112-0000-3600-007-000	NN P	285.88	285.88
889 PO-170772	10/20/2016	BN81485		1	01-0000-0-4300-112-0000-3600-007-000	NN P	292.15	292.15
889 PO-170772	10/20/2016	BN81771		1	01-0000-0-4300-112-0000-3600-007-000	NN P	206.19	206.19
889 PO-170772	10/20/2016	BN81384		1	01-0000-0-4300-112-0000-3600-007-000	NN P	72.34	72.34
889 PO-170772	10/20/2016	BN82006		1	01-0000-0-4300-112-0000-3600-007-000	NN P	123.47	123.47
1113 PO-170952	10/20/2016	NB22067		1	01-0000-0-4300-112-0000-3600-007-000	NN F	903.79	903.79
1113 PO-170952	10/20/2016	NB2206		2	01-0000-0-5600-112-0000-3600-007-000	NN F	192.50	192.50
1113 PO-170952	10/20/2016	NB22067		3	01-0000-0-5800-112-0000-3600-007-000	NN F	780.00	780.00
TOTAL PAYMENT AMOUNT							2,937.10 *	2,937.10

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Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
022406/00	MAXIM HEALTHCARE SERVICES INC							
265 PO-170231	10/20/2016	4450180262		1 01-0000-0-5800-102-0000-3140-003-000 NN P			1,288.00	1,288.00
				TOTAL PAYMENT AMOUNT	1,288.00 *			1,288.00
022590/00	MICHAEL JONES							
1129 PO-170960	10/20/2016	reimb-magnets		1 01-0000-0-5800-112-0000-3600-007-000 NN F			18.34	18.34
				TOTAL PAYMENT AMOUNT	18.34 *			18.34
016087/00	MICHAEL'S TRANSPORTATION SERV.							
866 PO-170754	10/20/2016	93945		1 01-0000-0-5800-112-0000-3600-007-000 NN P			3,100.00	3,100.00
1105 PO-170945	10/20/2016	93845		1 01-0000-0-5800-112-0000-3600-007-000 NN P			2,025.00	2,025.00
				TOTAL PAYMENT AMOUNT	5,125.00 *			5,125.00
019059/00	MILLENNIUM TERMITE & PEST							
111 PO-170178	10/20/2016	TR-71099		1 01-0000-0-5500-106-0000-8110-007-000 NN P			91.00	91.00
111 PO-170178	10/20/2016	TR-72628		1 01-0000-0-5500-106-0000-8110-007-000 NN P			57.00	57.00
111 PO-170178	10/20/2016	TR-72628		1 01-0000-0-5500-106-0000-8110-007-000 NN P			59.00	59.00
				TOTAL PAYMENT AMOUNT	207.00 *			207.00
020461/00	MITCHELL, CYNDY							
1106 PO-170946	10/20/2016	REIMB RULES ®		1 01-0000-0-4300-112-0000-3600-007-000 NN F			87.04	87.04
				TOTAL PAYMENT AMOUNT	87.04 *			87.04
017315/00	NAPA AUTO PARTS - GENUINE AUTO							
76 PO-170074	10/20/2016	20901850		1 01-0000-0-4300-112-0000-3600-007-000 NN P			1,082.65	1,082.65
				TOTAL PAYMENT AMOUNT	1,082.65 *			1,082.65
017576/00	OFFICE DEPOT							
850 PO-170744	10/20/2016	865019408002		1 01-0000-0-4300-105-0000-7200-005-000 NN P			24.83	24.83
850 PO-170744	10/20/2016	865019408001		1 01-0000-0-4300-105-0000-7200-005-000 NN F			190.72	181.55
858 PO-170749	10/20/2016	865020426001		1 01-0000-0-4300-234-1110-1000-008-000 NN F			85.59	85.59
884 PO-170813	10/20/2016	870622601001		1 01-0000-0-4300-234-1110-1000-008-000 NN F			229.48	229.48
962 PO-170828	10/20/2016	870621085001		1 01-0000-0-4300-236-1110-1000-009-000 NN F			144.81	144.81
1017 PO-170875	10/20/2016	870619868001		1 01-6500-0-4300-102-5001-2700-002-000 NN F			173.47	126.57

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
TOTAL PAYMENT AMOUNT					792.83 *			792.83
021249/00 PERRY, HEATHER								
446 PO-170387	10/20/2016	SEPTEMBER		1	01-6500-0-5200-102-5001-2700-002-000 NN P	55.03		55.03
TOTAL PAYMENT AMOUNT					55.03 *			55.03
014069/00 PLATT ELECTRIC SUPPLY INC								
28 PO-170027	10/20/2016	K394531		1	01-8150-0-4300-106-0000-8110-007-000 NN P	28.97		28.97
28 PO-170027	10/20/2016	K457029		1	01-8150-0-4300-106-0000-8110-007-000 NN P	201.02		201.02
28 PO-170027	10/20/2016	K428594		1	01-8150-0-4300-106-0000-8110-007-000 NN P	3.16		3.16
28 PO-170027	10/20/2016	K377360		1	01-8150-0-4300-106-0000-8110-007-000 NN P	17.62		17.62
28 PO-170027	10/20/2016	Z074048		1	01-8150-0-4300-106-0000-8110-007-000 NN P	41.56		41.56
28 PO-170027	10/20/2016	K501872		1	01-8150-0-4300-106-0000-8110-007-000 NN P	2,587.68		2,587.68
1101 PO-170942	10/20/2016	K491156		1	01-0000-0-4300-111-0000-8200-007-939 NN F	125.28		125.28
TOTAL PAYMENT AMOUNT					3,005.29 *			3,005.29
019058/00 PRECISION CLEANING SYSTEMS								
1117 PO-170953	10/20/2016	015470		1	01-8150-0-4300-106-0000-8110-007-000 NN F	388.46		388.46
1117 PO-170953	10/20/2016	015470		2	01-8150-0-5800-106-0000-8110-007-000 NN F	340.00		340.00
TOTAL PAYMENT AMOUNT					728.46 *			728.46
021194/00 PRUDENTIAL OVERALL SUPPLY INC								
82 PO-170079	10/20/2016	180260055		1	01-0000-0-5600-112-0000-3600-007-000 NN P	78.24		78.24
82 PO-170079	10/20/2016	180260615		1	01-0000-0-5600-112-0000-3600-007-000 NN P	67.89		67.89
TOTAL PAYMENT AMOUNT					146.13 *			146.13
010627/00 RIVERVIEW INTERNATIONAL TRUCKS								
1067 PO-170918	10/20/2016	9101701-CM		1	01-0000-0-4300-112-0000-3600-007-000 NN P	0.00		0.00
1067 PO-170918	10/20/2016	911091		1	01-0000-0-4300-112-0000-3600-007-000 NN P	161.85		161.85
1067 PO-170918	10/20/2016	91137901		1	01-0000-0-4300-112-0000-3600-007-000 NN P	161.85		161.85
1067 PO-170918	10/20/2016	910163		1	01-0000-0-4300-112-0000-3600-007-000 NN P	502.85		502.85
1067 PO-170918	10/20/2016	910715		1	01-0000-0-4300-112-0000-3600-007-000 NN P	13.85		13.85
1067 PO-170918	10/20/2016	911994		1	01-0000-0-4300-112-0000-3600-007-000 NN P	61.97		61.97
1067 PO-170918	10/20/2016	911688		1	01-0000-0-4300-112-0000-3600-007-000 NN P	61.97		61.97
TOTAL PAYMENT AMOUNT					964.34 *			964.34

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date			FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
010242/00	ROTO-ROOTER PLUMBERS							
40 PO-170039	10/20/2016	SA106647		1 01-8150-0-5800-106-0000-8110-007-000 NN P		205.00	205.00	
40 PO-170039	10/20/2016	SA106648		1 01-8150-0-5800-106-0000-8110-007-000 NN P		410.00	410.00	
				TOTAL PAYMENT AMOUNT	615.00 *		615.00	
010552/00	SAC VAL JANITORIAL							
257 PO-170222	10/20/2016	10212167		1 01-0000-0-9320-000-0000-0000-000-000 NN P		5,490.37	5,490.37	
				TOTAL PAYMENT AMOUNT	5,490.37 *		5,490.37	
021289/00	SACRAMENTO COUNTY OFF. OF ED.							
953 PO-170822	10/20/2016	170449		1 01-3010-0-5200-371-1110-1000-012-916 NN F		485.00	485.00	
				TOTAL PAYMENT AMOUNT	485.00 *		485.00	
010266/00	SACRAMENTO COUNTY UTILITIES							
122 PO-170093	10/20/2016	50000185866		1 01-0000-0-5520-106-0000-8110-007-000 NN P		835.91	835.91	
				TOTAL PAYMENT AMOUNT	835.91 *		835.91	
017234/00	SCHIRO, BONNIE							
1082 PO-170932	10/20/2016	REIMB CART		1 01-0000-0-4300-472-0000-2700-014-000 NN F		19.42	19.42	
				TOTAL PAYMENT AMOUNT	19.42 *		19.42	
016043/00	SHELTONS UNLIMITED MECHANICAL							
976 PO-170838	10/20/2016	16-18177		1 01-8150-0-5600-106-0000-8110-007-000 NN P		326.88	326.88	
976 PO-170838	10/20/2016	16-18351		1 01-8150-0-5600-106-0000-8110-007-000 NN P		88.20	88.20	
				TOTAL PAYMENT AMOUNT	415.08 *		415.08	
010826/00	SHIFFLER EQUIPMENT SALES INC							
30 PO-170029	10/20/2016	1627108600		1 01-8150-0-4300-106-0000-8110-007-000 NN P		297.43	297.43	
				TOTAL PAYMENT AMOUNT	297.43 *		297.43	

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Vendor/Addr	Remit name		Tax ID num	Deposit type	ABA num	Account num			
Req Reference	Date	Description		FD RESO P	OBJE SIT	GOAL FUNC	RES DEP T9MP	Liq Amt	Net Amount
010376/00	SLAKEY BROS. INC.								
32	PO-170031	10/20/2016	1719929-00	1	01-8150-0-4300-106-0000-8110-007-000	NN P		11.83	11.83
				TOTAL PAYMENT AMOUNT			11.83 *		11.83
014558/00	SPURR								
115	PO-170180	10/20/2016	77252	1	01-0000-0-5515-106-0000-8110-007-000	NN P		1,182.03	1,182.03
				TOTAL PAYMENT AMOUNT			1,182.03 *		1,182.03
018370/00	STANLEY CONVERGENT SECURITY								
33	PO-170032	10/20/2016	13960492	1	01-8150-0-5600-106-0000-8110-007-000	NN P		3,731.01	3,731.01
				TOTAL PAYMENT AMOUNT			3,731.01 *		3,731.01
019198/00	STEELER INC								
1015	PO-170873	10/20/2016	204844	1	01-8150-0-4300-106-0000-8110-007-000	NN P		145.15	145.15
				TOTAL PAYMENT AMOUNT			145.15 *		145.15
022377/00	STERICYCLE ENVIRONMENTAL								
1107	PO-170948	10/20/2016	29401527139	1	01-0000-0-5800-112-0000-3600-007-000	NN F		4,640.90	4,640.90
				TOTAL PAYMENT AMOUNT			4,640.90 *		4,640.90
010139/00	TROXELL COMMUNICATIONS INC								
1024	PO-170881	10/20/2016	922420	1	01-0370-0-5800-115-0000-7700-007-000	NN F		475.00	475.00
				TOTAL PAYMENT AMOUNT			475.00 *		475.00
020845/00	W. ROSENAU MOTOR REWINDING								
979	PO-170839	10/20/2016	9685	1	01-8150-0-5600-106-0000-8110-007-000	NY P		50.00	50.00
				TOTAL PAYMENT AMOUNT			50.00 *		50.00
016439/00	WEAVER, SANDRA								
1078	PO-170930	10/20/2016	REIMB GOLF TEE	1	01-0000-0-4300-472-1110-4200-014-909	NN F		502.29	502.29
				TOTAL PAYMENT AMOUNT			502.29 *		502.29

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Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
022221/00		WESTERN HEALTH ADVANTAGE					
	PV-171034 10/20/2016	NOVEMBER 2016		01-0000-0-9552-000-0000-0000-000-000 NN		5,501.79	5,501.79
			TOTAL PAYMENT AMOUNT	5,501.79 *			
018718/00		WHOLESALE OUTLET INC.					
	1090 PO-170935 10/20/2016	292079		1 01-8150-0-4300-106-0000-8110-007-000 NN P		85.04	85.04
			TOTAL PAYMENT AMOUNT	85.04 *			
017313/00		XEROX					
	404 PO-170290 10/20/2016	086462234		1 01-3010-0-5600-240-1110-1000-011-000 NN P		39.72	39.72
	724 PO-170623 10/20/2016	230038645		1 01-0000-0-5800-115-9790-8200-007-000 NN P		1,184.54	1,184.54
	726 PO-170624 10/20/2016	7149057-001		1 01-0000-0-5800-115-0000-8200-007-992 NN P		37,803.05	37,803.05
			TOTAL PAYMENT AMOUNT	39,027.31 *			
			TOTAL FUND PAYMENT	164,624.55 **			164,624.55
			TOTAL USE TAX AMOUNT	82.93			

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

018143/00		CHILD DEVELOPMENT CENTERS INC						
679 PO-170576	10/20/2016	5030-SEPT16		1	12-5025-0-5800-100-8500-1000-005-000	NN P		20,345.89 20,345.89
679 PO-170576	10/20/2016	5030-SEPT16		2	12-6105-0-5800-100-8500-1000-005-000	NN P		26,297.60 26,297.60
TOTAL PAYMENT AMOUNT					46,643.49	*		46,643.49
TOTAL FUND PAYMENT					46,643.49	**		46,643.49

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
016670/00	FATCAT BAKERY						
100 PO-170110	10/20/2016	11903	1 13-5310-0-4700-108-0000-3700-007-000 NN P			2,100.00	2,100.00
TOTAL PAYMENT AMOUNT			2,100.00 *				2,100.00
019993/00	PROPACIFIC FRESH						
94 PO-170106	10/20/2016	61323	1 13-5310-0-4700-108-0000-3700-007-000 NN P			3,459.43	3,459.43
TOTAL PAYMENT AMOUNT			3,459.43 *				3,459.43
TOTAL FUND PAYMENT			5,559.43 **				5,559.43

81 CENTER UNIFIED SCHOOL DIST.
10-20-2016

ACCOUNTS PAYABLE PRELIST
BATCH: 0020 10-20-16
FUND : 14 DEFERRED MAINTENANCE FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
015530/00		MADSEN ROOFING &					
1144 PO-170974	10/20/2016	163451					
			1	14-0024-0-5600-106-9585-8110-007-000	NN F	25,186.00	25,186.00
		TOTAL PAYMENT AMOUNT				25,186.00 *	25,186.00
		TOTAL FUND PAYMENT				25,186.00 **	25,186.00
		TOTAL BATCH PAYMENT				242,250.66 ***	242,250.66
		TOTAL USE TAX AMOUNT				82.93	
		TOTAL DISTRICT PAYMENT				242,250.66 ****	242,250.66
		TOTAL USE TAX AMOUNT				82.93	
		TOTAL FOR ALL DISTRICTS:				242,250.66 ****	242,250.66
		TOTAL USE TAX AMOUNT				82.93	

Number of warrants to be printed: 76, not counting voids due to stub overflows.

Batch status: A All

From batch: 0022

To batch: 0022

Include Revolving Cash: Y

Include Address: N

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP	Liq Amt	Net Amount
022583/00	ACS CONTROLS				
CL-168001	10/26/2016	12858	01-6230-0-6243-472-9181-8500-007-163 NN	22,381.88	12,121.99
CL-168002	10/26/2016	12857	01-6230-0-6243-472-9265-8500-007-164 NN	3,281.49	3,281.49
TOTAL PAYMENT AMOUNT			15,403.48 *		15,403.48
021763/00	ALL STAR RENTS				
800 PO-170701	10/26/2016	635256-10	1 01-8150-0-5600-106-0000-8110-007-000 NN P	250.03	250.03
TOTAL PAYMENT AMOUNT			250.03 *		250.03
011617/00	AMADOR STAGE LINES				
1170 PO-171003	10/26/2016	#66799	1 01-0000-0-5865-472-1110-4200-014-915 NN F	2,309.02	2,309.02
1176 PO-171004	10/26/2016	#66891	1 01-0000-0-5865-472-0000-2700-014-000 NN F	1,060.16	1,060.16
TOTAL PAYMENT AMOUNT			3,369.18 *		3,369.18
019769/00	AMERICAN EXPRESS				
1160 PO-170987	10/26/2016	0-03000	1 01-6264-0-5200-101-0000-2700-002-000 NN F	611.92	611.92
1162 PO-170988	10/26/2016	0-03000	1 01-6264-0-5200-101-0000-2700-002-000 NN F	900.00	900.00
TOTAL PAYMENT AMOUNT			1,511.92 *		1,511.92
021604/00	ATLAS DISPOSAL INDUSTRIES				
91 PO-170174	10/26/2016	149401	1 01-0000-0-5525-106-0000-8110-007-000 NN P	706.96	706.96
91 PO-170174	10/26/2016	149398	1 01-0000-0-5525-106-0000-8110-007-000 NN P	3,667.98	3,667.98
91 PO-170174	10/26/2016	149402	1 01-0000-0-5525-106-0000-8110-007-000 NN P	1,136.55	1,136.55
91 PO-170174	10/26/2016	149397	1 01-0000-0-5525-106-0000-8110-007-000 NN P	1,223.35	1,223.35
91 PO-170174	10/26/2016	149403	1 01-0000-0-5525-106-0000-8110-007-000 NN P	1,558.90	1,558.90
91 PO-170174	10/26/2016	149399	1 01-0000-0-5525-106-0000-8110-007-000 NN P	1,708.04	1,708.04
91 PO-170174	10/26/2016	149400	1 01-0000-0-5525-106-0000-8110-007-000 NN P	727.51	727.51
91 PO-170174	10/26/2016	149404	1 01-0000-0-5525-106-0000-8110-007-000 NN P	563.28	563.28
TOTAL PAYMENT AMOUNT			11,292.57 *		11,292.57
021669/00	BAIONI, RON				
1171 PO-171000	10/26/2016	REIMB	1 01-0000-0-4300-371-0000-2700-012-000 NN F	27.74	27.74
TOTAL PAYMENT AMOUNT			27.74 *		27.74

81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP			
015718/00	BASIC PACIFIC							
PV-171038	10/26/2016	OCTOBER 31,2016			01-0000-0-9552-000-0000-0000-000 NN		4,639.93	
					TOTAL PAYMENT AMOUNT	4,639.93 *		4,639.93
021235/00	BECKER, LEE ANN							
883 PO-170770	10/26/2016	SEPTEMBER			1 01-0000-0-5210-102-0000-3140-003-000 NN P		55.03	55.03
					TOTAL PAYMENT AMOUNT	55.03 *		55.03
016149/00	BENNETT, JANET							
1131 PO-170991	10/26/2016	REIMB			1 01-6382-0-4300-472-1110-1000-014-000 NN F		24.68	24.68
					TOTAL PAYMENT AMOUNT	24.68 *		24.68
011043/00	CAREER CRUISING							
PV-171036	10/26/2016	REISSUE-C1025770			01-3410-0-4200-472-1110-1000-003-000 NN		399.00	
					TOTAL PAYMENT AMOUNT	399.00 *		399.00
016151/00	CATHERINE STEVENS							
1194 PO-171015	10/26/2016	1251			1 01-0000-0-5800-112-0000-3600-007-000 NY F		2,244.00	2,244.00
					TOTAL PAYMENT AMOUNT	2,244.00 *		2,244.00
015699/00	CLARK SECURITY PRODUCTS							
13 PO-170012	10/26/2016	22K-174306			1 01-8150-0-4300-106-0000-8110-007-000 NN P		137.27	137.27
13 PO-170012	10/26/2016	22K-174891			1 01-8150-0-4300-106-0000-8110-007-000 NN P		119.13	119.13
					TOTAL PAYMENT AMOUNT	256.40 *		256.40
021813/00	CONSOLIDATED COMMUNICATIONS							
749 PO-170650	10/26/2016	916-113-4131/0			1 01-0000-0-5930-106-0000-8110-007-000 NN P		1,138.43	1,138.43
					TOTAL PAYMENT AMOUNT	1,138.43 *		1,138.43

81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 01 GENERAL FUND

J15033 APY500 H.02.05 10/26/16 PAGE 3
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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num			
Req Reference	Date	Description	FD RESO	P OBJE	SIT GOAL	FUNC RES	DEP T9MP	Liq Amt Net Amount

018527/00	CONTI CORPORATION							
	CL-168032	10/26/2016	T16-009			01-0000-0-5800-472-0000-8110-007-990 NN		18,979.85 18,979.85
								TOTAL PAYMENT AMOUNT 18,979.85 * 18,979.85
018244/00	EASY WAY SAFETY SERVICES INC							
	1192 PO-171014	10/26/2016	35539			1 01-0000-0-4300-112-0000-3600-007-000 NN F		518.00 518.00
								TOTAL PAYMENT AMOUNT 518.00 * 518.00
020517/00	EDUCATIONAL DATA SYSTEMS							
	900 PO-170785	10/26/2016	101620666			1 01-0000-0-5800-103-0000-3160-003-000 NN F		128.90 120.62
								TOTAL PAYMENT AMOUNT 120.62 * 120.62
020830/00	ELK GROVE HIGH SCHOOL							
	1089 PO-170979	10/26/2016	CARTWRIGHT CLASSIC CHS			1 01-0000-0-5800-472-1110-4200-014-804 NN F		350.00 350.00
								TOTAL PAYMENT AMOUNT 350.00 * 350.00
011768/00	GIRARD EDWARDS ATTORNEYS AT							
	1159 PO-170986	10/26/2016	#147			1 01-0000-0-5880-105-0000-7200-005-000 NN P		1,029.50 1,029.50
								TOTAL PAYMENT AMOUNT 1,029.50 * 1,029.50
022347/00	GIVE SOMETHING BACK							
	1099 PO-170940	10/26/2016	IN-0555199			1 01-6500-0-4300-102-5001-2700-002-000 NN F		74.35 74.36
	1100 PO-170941	10/26/2016	IN-0555198			1 01-0000-0-9320-000-0000-0000-000-000 NN P		30.23 30.23
	1100 PO-170941	10/26/2016	IN-0554640			1 01-0000-0-9320-000-0000-0000-000-000 NN P		2,246.40 2,246.40
								TOTAL PAYMENT AMOUNT 2,350.99 * 2,350.99
010191/00	GRAINGER							
	1077 PO-170929	10/26/2016	9256719882			1 01-8150-0-4300-106-0000-8110-007-000 NN P		227.41 227.41
								TOTAL PAYMENT AMOUNT 227.41 * 227.41

81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
010992/00	HARBOR FREIGHT TOOLS USA INC						
1091 PO-170936	10/26/2016	777289	1	01-0000-0-4300-111-0000-8200-007-000	NN P	440.34	440.34
TOTAL PAYMENT AMOUNT						440.34 *	440.34
010355/00	KAISER FOUNDATION HEALTH PLAN						
PV-171039	10/26/2016	NOVEMBER		01-0000-0-9552-000-0000-0000-000-000	NN		159,276.85
TOTAL PAYMENT AMOUNT						159,276.85 *	159,276.85
014389/00	LOMOVA, YELENA						
903 PO-170788	10/26/2016	TRIP 1064	1	01-0000-0-5800-112-0000-3600-007-000	NN P	5.48	5.48
TOTAL PAYMENT AMOUNT						5.48 *	5.48
017726/00	LOS ANGELES FREIGHTLINER						
889 PO-170772	10/26/2016	BN82031	1	01-0000-0-4300-112-0000-3600-007-000	NN P	20.00	20.00
889 PO-170772	10/26/2016	BN81490	1	01-0000-0-4300-112-0000-3600-007-000	NN P	292.15	292.15
TOTAL PAYMENT AMOUNT						312.15 *	312.15
021914/00	LOY MATTISON ENTERPRISES						
701 PO-170605	10/26/2016	09011693016	1	01-0000-0-5800-106-0000-8110-007-000	NY P	833.75	833.75
TOTAL PAYMENT AMOUNT						833.75 *	833.75
022457/00	LUKES, REBECCA						
1071 PO-171002	10/26/2016	REIMB	1	01-0000-0-4300-240-0000-2700-011-000	NN F	27.93	27.93
TOTAL PAYMENT AMOUNT						27.93 *	27.93
022406/00	MAXIM HEALTHCARE SERVICES INC						
265 PO-170231	10/26/2016	4471980262	1	01-0000-0-5800-102-0000-3140-003-000	NN P	1,450.00	1,450.00
TOTAL PAYMENT AMOUNT						1,450.00 *	1,450.00

Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num
Req Reference	Date	Description	FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP	Liq Amt	Net Amount
016087/00	MICHAEL'S TRANSPORTATION SERV.				
1105 PO-170945	10/26/2016	93945	1 01-0000-0-5800-112-0000-3600-007-000 NN P	3,505.00	3,505.00
1179 PO-171007	10/26/2016	94204	1 01-0000-0-5800-112-0000-3600-007-000 NN P	3,840.00	3,840.00
		TOTAL PAYMENT AMOUNT	7,345.00 *		7,345.00
017465/00	MONTEREY TRAIL HIGH SCHOOL				
1088 PO-170978	10/26/2016	12/8 TOURN-CHS	1 01-0000-0-5800-472-1110-4200-014-804 NN F	350.00	350.00
		TOTAL PAYMENT AMOUNT	350.00 *		350.00
020272/00	NIMCO				
1072 PO-170920	10/26/2016	469884	1 01-6300-0-4300-238-1110-1000-010-000 NN F	306.15	302.80
		TOTAL PAYMENT AMOUNT	302.80 *		302.80
017576/00	OFFICE DEPOT				
1075 PO-170922	10/26/2016	871782882001-86502115501	1 01-0000-0-4300-238-1110-1000-010-000 NN F	63.50	31.22
1110 PO-170949	10/26/2016	873045552001	1 01-0000-0-4300-105-0000-7200-005-000 NN F	182.83	182.83
		TOTAL PAYMENT AMOUNT	214.05 *		214.05
011822/00	OLARIU, STEFAN				
1165 PO-170996	10/26/2016	TRIP1098&1063	1 01-0000-0-5800-112-0000-3600-007-000 NN P	28.12	28.12
		TOTAL PAYMENT AMOUNT	28.12 *		28.12
016692/00	PERFORMANCE CHEVROLET				
1178 PO-171006	10/26/2016	573174	1 01-0000-0-4300-112-0000-3600-007-000 NN P	136.27	136.27
		TOTAL PAYMENT AMOUNT	136.27 *		136.27
014069/00	PLATT ELECTRIC SUPPLY INC				
28 PO-170027	10/26/2016	K491139	1 01-8150-0-4300-106-0000-8110-007-000 NN P	816.52	816.52
28 PO-170027	10/26/2016	K586691	1 01-8150-0-4300-106-0000-8110-007-000 NN P	132.93	132.93
		TOTAL PAYMENT AMOUNT	949.45 *		949.45

81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
<hr/>							
014974/00	PLUMMER, RENEE'						
1177	PO-171005	10/26/2016	#612	1	01-0000-0-5800-112-0000-3600-007-000 NN F	4,000.00	4,000.00
				TOTAL PAYMENT AMOUNT		4,000.00 *	4,000.00
021401/00	PRACTI-CAL INC						
264	PO-170230	10/26/2016	336090	1	01-5640-0-5800-103-0000-3140-003-000 NN P	143.32	143.32
264	PO-170230	10/26/2016	336144	1	01-5640-0-5800-103-0000-3140-003-000 NN P	186.47	186.47
264	PO-170230	10/26/2016	336198	1	01-5640-0-5800-103-0000-3140-003-000 NN P	59.23	59.23
264	PO-170230	10/26/2016	335948	1	01-5640-0-5800-103-0000-3140-003-000 NN P	23.89	23.89
264	PO-170230	10/26/2016	336035	1	01-5640-0-5800-103-0000-3140-003-000 NN P	242.53	242.53
				TOTAL PAYMENT AMOUNT		655.44 *	655.44
021194/00	PRUDENTIAL OVERALL SUPPLY INC						
82	PO-170079	10/26/2016	180261179	1	01-0000-0-5600-112-0000-3600-007-000 NN P	67.89	67.89
				TOTAL PAYMENT AMOUNT		67.89 *	67.89
016900/00	REALLY GOOD STUFF						
1034	PO-170926	10/26/2016	5821347	1	01-6500-0-4300-102-5770-1110-002-000 NN F	91.90	83.09
				TOTAL PAYMENT AMOUNT		83.09 *	83.09
010627/00	RIVERVIEW INTERNATIONAL TRUCKS						
1067	PO-170918	10/26/2016	912437	1	01-0000-0-4300-112-0000-3600-007-000 NN P	43.50	43.50
				TOTAL PAYMENT AMOUNT		43.50 *	43.50
010552/00	SAC VAL JANITORIAL						
257	PO-170222	10/26/2016	10212793	1	01-0000-0-9320-000-0000-0000-000-000 NN P	416.77	416.77
257	PO-170222	10/26/2016	10213731	1	01-0000-0-9320-000-0000-0000-000-000 NN P	218.11	218.11
257	PO-170222	10/26/2016	10211154	1	01-0000-0-9320-000-0000-0000-000-000 NN P	161.70	161.70
257	PO-170222	10/26/2016	10211153	1	01-0000-0-9320-000-0000-0000-000-000 NN P	323.40	323.40
907	PO-170790	10/26/2016	10213515	1	01-0000-0-4300-111-0000-8200-007-000 NN P	139.25	139.25
				TOTAL PAYMENT AMOUNT		1,259.23 *	1,259.23

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81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 01 GENERAL FUND

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Vendor/Addr	Remit name	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount
Req Reference	Date	Description	FD RESO P	OBJE SIT	GOAL FUNC RES DEP T9MP		
015191/00	WACHOB, CYNTHIA						
165 PO-170144	10/26/2016	SEPT	1	01-6500-0-5200-102-5060-2110-002-000	NN P	204.12	204.12
TOTAL PAYMENT AMOUNT						204.12 *	204.12
019902/00	WARDS NATURAL SCIENCE						
121 PO-170092	10/26/2016	8045511061	1	01-0000-0-4300-472-1600-1000-014-000	NN F	238.07	204.14
TOTAL PAYMENT AMOUNT						204.14 *	204.14
022221/00	WESTERN HEALTH ADVANTAGE						
PV-171037	10/26/2016	NOVEMBER	01-0000-0-9552-000-0000-0000-000-000	NN			111,941.90
TOTAL PAYMENT AMOUNT						111,941.90 *	111,941.90
010843/00	WILCO SUPPLY						
39 PO-170038	10/26/2016	16H1704303	1	01-8150-0-4300-106-0000-8110-007-000	NN P	9.88	9.88
TOTAL PAYMENT AMOUNT						9.88 *	9.88
022348/00	WILSON, SHERRY						
828 PO-170713	10/26/2016	TRIP1101	1	01-0000-0-5800-112-0000-3600-007-000	NN P	8.72	8.72
TOTAL PAYMENT AMOUNT						8.72 *	8.72
017313/00	XEROX						
727 PO-170625	10/26/2016	7149057-001	1	01-0000-0-4300-115-0000-8200-007-992	NN P	3,775.53	3,775.53
TOTAL PAYMENT AMOUNT						3,775.53 *	3,775.53
TOTAL FUND PAYMENT						367,247.69 **	367,247.69

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 11 ADULT EDUCATION FUND

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

010254/00		PEARSON EDUCATION						
997 PO-170907	10/26/2016	BK62794281		1	11-3905-0-4200-601-4130-1000-017-000 NN F		1,380.06	1,380.06
TOTAL PAYMENT AMOUNT					1,380.06 *			1,380.06
TOTAL FUND					PAYMENT	1,380.06 **		1,380.06

81 CENTER UNIFIED SCHOOL DIST.
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ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 13 CAFETERIA FUND

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

011205/00	CULTURE SHOCK YOGURT								
95	PO-170107	10/26/2016	3878	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	214.00	214.00
95	PO-170107	10/26/2016	4242	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	214.00	214.00
TOTAL PAYMENT AMOUNT				428.00 *				428.00	428.00
022586/00	D&P Creamery								
194	PO-170167	10/26/2016	0050135	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	1,733.46	1,733.46
194	PO-170167	10/26/2016	0050125	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	1,488.15	1,488.15
194	PO-170167	10/26/2016	0050130	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	893.26	893.26
194	PO-170167	10/26/2016	0050120	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	1,673.07	1,673.07
194	PO-170167	10/26/2016	0050110	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	1,531.73	1,531.73
194	PO-170167	10/26/2016	0050105	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	2,565.93	2,565.93
TOTAL PAYMENT AMOUNT				9,885.60 *				9,885.60	9,885.60
011602/00	DANIELSEN CO., THE								
705	PO-170608	10/26/2016	114131	2	13-5310-0-4300-108-0000-3700-007-000	NN	P	927.61	927.61
705	PO-170608	10/26/2016	116288	2	13-5310-0-4300-108-0000-3700-007-000	NN	P	8.00	8.00
705	PO-170608	10/26/2016	114131	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	969.96	969.96
705	PO-170608	10/26/2016	116288	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	1,218.62	1,218.62
TOTAL PAYMENT AMOUNT				3,124.19 *				3,124.19	3,124.19
021080/00	GOLD STAR FOODS INC								
708	PO-170610	10/26/2016	1824071-CREDITS	1	13-5310-0-4700-108-0000-3700-007-000	NN	P	4,171.05	4,171.05
TOTAL PAYMENT AMOUNT				4,171.05 *				4,171.05	4,171.05
022364/00	HEARTLAND SCHOOL SOLUTIONS								
192	PO-170165	10/26/2016	INV0000006780	1	13-5310-0-5300-108-0000-3700-007-000	NN	P	633.15	633.15
TOTAL PAYMENT AMOUNT				633.15 *				633.15	633.15
010923/00	JEFFERS, MICHAEL								
1150	PO-170993	10/26/2016	REFUND	1	13-5310-0-8634-000-0000-0000-000-000	NN	F	14.50	14.50
TOTAL PAYMENT AMOUNT				14.50 *				14.50	14.50

81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 13 CAFETERIA FUND

J15033 APY500 H.02.05 10/26/16 PAGE 11
<< Open >>

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

016279/00	P&R PAPER SUPPLY						
193 PO-170166	10/26/2016	30098903-IN	1	13-5310-0-4300-108-0000-3700-007-000	NN P	92.13	92.13
TOTAL PAYMENT AMOUNT				92.13	*		92.13
021194/00	PRUDENTIAL OVERALL SUPPLY INC						
101 PO-170111	10/26/2016	180260614	1	13-5310-0-5800-108-0000-3700-007-000	NN P	77.75	77.75
101 PO-170111	10/26/2016	180261178	1	13-5310-0-5800-108-0000-3700-007-000	NN P	77.75	77.75
TOTAL PAYMENT AMOUNT				155.50	*		155.50
014862/00	ROBINSON, MEGUMI						
1151 PO-170994	10/26/2016	REFUND	1	13-5310-0-8634-000-0000-000-000	NN F	40.30	40.30
TOTAL PAYMENT AMOUNT				40.30	*		40.30
017648/00	SCHOOL NUTRITION ASSOCIATION						
1188 PO-171012	10/22/2016	537869	1	13-5310-0-5300-108-0000-3700-007-000	NN F	122.00	122.00
TOTAL PAYMENT AMOUNT				122.00	*		122.00
017334/00	SEVEN UP BOTTLING CO. OF S.F.						
97 PO-170109	10/26/2016	7062957414	1	13-5310-0-4700-108-0000-3700-007-000	NN P	403.20	403.20
TOTAL PAYMENT AMOUNT				403.20	*		403.20
018413/00	SORENSEN, WENDY						
1152 PO-170995	10/26/2016	REFUND	1	13-5310-0-8634-000-0000-000-000	NN F	11.75	11.75
TOTAL PAYMENT AMOUNT				11.75	*		11.75
011422/00	SYSCO OF SAN FRANCISCO						
89 PO-170103	10/26/2016	610182477	2	13-5310-0-4300-108-0000-3700-007-000	NN P	688.90	688.90
89 PO-170103	10/26/2016	610182477	1	13-5310-0-4700-108-0000-3700-007-000	NN P	504.73	504.73
TOTAL PAYMENT AMOUNT				1,193.63	*		1,193.63
TOTAL FUND PAYMENT				20,275.00	**		20,275.00

81 CENTER UNIFIED SCHOOL DIST.
10-26-16

ACCOUNTS PAYABLE PRELIST
BATCH: 0022 10-26-16
FUND : 14 DEFERRED MAINTENANCE FUND

J15033 APY500 H.02.05 10/26/16 PAGE 12
<< Open >>

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	ABA num	Account num	Liq Amt	Net Amount	
Req Reference	Date				FD RESO P OBJE SIT GOAL FUNC RES DEP T9MP				
015121/00	B.J. FLOORING INC								
1025 PO-170882	10/26/2016	2009490			1 14-0024-0-5600-106-9223-8110-007-000 NN F		900.00	900.00	
TOTAL PAYMENT AMOUNT							900.00 *	900.00	
TOTAL FUND PAYMENT							900.00 **	900.00	
TOTAL BATCH PAYMENT							389,802.75 ***	0.00	389,802.75
TOTAL DISTRICT PAYMENT							389,802.75 ****	0.00	389,802.75
TOTAL FOR ALL DISTRICTS:							389,802.75 ****	0.00	389,802.75

Number of warrants to be printed: 66, not counting voids due to stub overflows.

Center Joint Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Instructional Services	Action Item _____
To: Board of Trustees	Information Item <u> X </u>
Date: November 16, 2016	# Attached Pages _____
From: Scott Loehr, Superintendent	
Principal/Administrator Initials: _____	

SUBJECT: College Readiness Block Grant Plan

CJUSD shall develop a plan describing how fund will increase or improve services for unduplicated pupils to ensure college readiness and include in formation on how it aligns with the local control and accountability plan. As a condition of receipt of funds, CJUSD shall report to the CDE by January 1, 2017, on how the CJUSD will measure the impact of the funds received on the CJUSD's unduplicated pupils' access and matriculation to higher education.

RECOMMENDATION: This is a discussion item only.

Center Joint Unified School District
College Readiness Block Grant Plan

Background: The College Readiness Block Grant is established for the purposes of providing California's high school pupils, particularly unduplicated pupils as defined in Education Code (EC) sections 42238.01 and 42238.02, additional supports to increase the number who enroll at institutions of higher education and complete an undergraduate degree within four years. No school district, county office of education, or charter school serving at least one unduplicated pupil in grades 9–12 shall receive an allocation of less than \$75,000.

CJUSD shall develop a plan describing how funds will increase or improve services for unduplicated pupils to ensure college readiness and include information on how it aligns with the local control and accountability plan. As a condition of receipt of funds, CJUSD shall report to the CDE by January 1, 2017, on how the CJUSD will measure the impact of the funds received on the CJUSD's unduplicated pupils' access and matriculation to higher education.

CJUSD is eligible to receive one-time funds of \$124,234 to serve our high school students at Center High School and McClellan High and Global Youth is eligible to receive one-time funds of \$75,000. All funds received must be spent by the end of the 2018-19 school year.

CJUSD Plan for utilizing College Readiness Block Grant

- Increase evening events organized to assist students and families on college application and financial aid process
- Increase student visitations to institutes of higher education
- Explore and possibly increase enrollment and offerings of Advanced Placement opportunities
- All 10th grade students to take no cost PSAT during school day
- Offering SAT prep rate reduction
- Access local college and career awareness events
- Expand CHS College and Career Event
- Explore online college counseling software

CJUSD Measurement used to support use of funds

1. LCAP Goal # 3 -Center JUSD students and families will be engaged and informed regarding the educational process and opportunity
2. Increase A-G completion rate - LCAP Goal # 2
3. Increase % of student taking AP exams -LCAP Goal # 2
4. Increase AP offerings - LCAP Goal # 2

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Facilities & Operations Department

To: Board of Trustees

Action Item X

Date: November 16, 2016

Information Item

From: Craig Deason, Assist. Supt.

Attached Pages 2

Assist. Supt. Initials: CD

SUBJECT:

Resolution #10/2016-17

Approval of Creative Bus Sales Purchase Agreement

The attached Resolution #10/2016-17 grants approval for the acquisition of buses for use in District transportation and educational programs through a bid procured by the South County Support Services Agency under Piggyback Bid No. 14005.

Recommendation: That the Board of Trustees approves a resolution authorizing the purchase of buses by means of a piggyback bid.

CENTER UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 10/2016-17

APPROVAL OF CREATIVE BUS SALES PURCHASE AGREEMENT

WHEREAS, the Governing Board (the "Board") of the Center Unified School District (the "District") has determined that a true and very real need exists for the acquisition of buses for use in District transportation and educational programs (the "Property"); and

WHEREAS, the governing board of a school district may under Section 20118 of the California Public Contract Code, without advertising for bids, if the board has determined it to be in the best interest of the district, authorize by contract, lease, requisition or purchase order, any public corporation or agency to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, services and other personal property for the district in the manner in which the public corporation is authorized by law to lease or purchase; and

WHEREAS, the Board has determined that it is in the best interest of the District to authorize the Property through a bid procured by The South County Support Services Agency ("South County") under the Piggyback Bid No. 14005 ("Creative Bus Sales Contract"); and

WHEREAS, the District has agreed to acquire the Property under the same pricing, terms and conditions as the Creative Bus Sales Contract; and

WHEREAS, the Board of the District has by this Resolution determined the need for the Property and authorized the purchase thereof at a proposed cost of \$ 328,656 ; and

WHEREAS, the Board of the District has determined that this purchase is the most economical means for providing the Property to the District.

NOW, THEREFORE, the District Board hereby finds, determines, declares and resolves as follows:

Section 1. All of the recitals set forth above are true and correct and the Board so finds and determines.

Section 2. The Board hereby finds and determines the acquisition of the Property pursuant to Public Contract Code section 20118 to be in the best interest of the District.

Section 3. The Board hereby finds and determines the Creative Bus Sales Contract provides the most economical means for providing the Property to the District.

Section 4. The form of the Contract by and between the District and Creative Bus Sales, presented at this meeting and on file with the District, is hereby approved. The Superintendent or Superintendent's designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to Creative Bus Sales, any and all

documents necessary to complete the transaction contemplated hereunder with any such changes therein as such officer or person may require and approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. The Superintendent or Superintendent's designee is hereby authorized and directed to do any and all things and to execute and deliver any and all documents which they may, in consultation with legal counsel, deem necessary or advisable in order to consummate this transaction and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.

Section 7. This Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Center Unified School District, Kern County, State of California, this 16th day of November, 2016, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

President of the Governing Board of
Center Unified School District

Center Joint Unified School District

AGENDA REQUEST FOR:

Dept./Site: Facilities & Operations Department

To: Board of Trustees

Action Item X

Date: November 16, 2016

Information Item

From: Craig Deason, Assist. Supt.

Attached Pages 6

Assist. Supt. Initials: CD

SUBJECT:

Approval to Purchase Buses

The Transportation Department would appreciate the Board's approval of the purchase of three buses. This would allow for the replacement of Bus 16 which is no longer in service and two additional buses that have reached the point where continued mechanical service to keep them in use would become a serious financial burden.

You will find attached the purchase contracts totaling \$328,655.70 for the three buses.

Recommendation: That the Board of Trustees approves the purchase of three buses to replace buses that are either no longer or near the end of being serviceable.



Creative Bus Sales

Creative Bus Sales
14740 Ramona Avenue
Chino, CA 91710

Phone: 909.465.5528
Fax: 909.465.5529
www.creativebussales.com

Buyer's Order Contract

Date:	October 7, 2016	Unit #(s):	Stock
Customer Name:	Center Joint Unified School District		
Contact:	Craig Deason	Phone:	916.338.7580
Address:	8408 Watt Ave	Fax:	916.338.6339
City, State, Zip:	Antelope, CA 95843	E-Mail:	cdeason@centerusd.org
Sys 2K Entity #:		Salesperson:	Brandon Abbott
Ship To Address:	8408 Watt Ave Antelope, CA 95843		
Ship To Address Cont'd:			
Ship To Phone:		Ship To Email:	
Finance Source:		Contact:	
Address:		Phone:	
City, State, Zip:		Fax:	
Description of Vehicle:	2017 82-passenger IC Bus model RE3911 with AC		
Engine Type:	Diesel		
VIN #:	TBD	FOB Terms:	Shipping
Number of Passengers:	82	Wheelchair Positions:	None
Estimated Delivery Date:	90 Days ARO	Payment Terms:	Net 30
	Unit Price		\$167,221.00
	Delivery		\$0.00
Possession State:	CA	Incentive (Non-Taxable)	\$0.00
		Rebates (Taxable)	\$0.00
		Doc Prep Fee (Taxable)	\$80.00
		Base Selling Price	\$167,301.00
		ADA Amount (Non Taxable)	\$0.00
		Total Taxable Amount	\$167,301.00
		Sales Tax Total	\$13,384.08
8.000%	CA - Antelope		\$0.00
Notes:	Sales tax is calculated based on the state or country in which customer takes possession of vehicle. Sales tax will be charged to customers taking possession in AZ, CA, CO, FL, IN, NM, NV, OK, OR, SC, TX, WA, Canada, and Mexico. All rebates and incentives will be signed over to Creative Bus Sales		
	DMV Estimated Fees		\$0.00
	DMV Electronic Filing Fee		\$0.00
	Tire Fee		\$10.50
	Fees Sub-Total		\$10.50
	Total Price Per Unit		\$180,695.58
	Quantity		1
	Contract Total		\$180,695.58
	Credits		
	Customer Trade-In		\$0.00
	Customer Deposit		\$0.00
	Balance Due		\$180,695.58

Remit To: Creative Bus Sales, Inc. 14740 Ramona Ave, Chino CA 91710

Terms: The deposit if indicated above is due with this signed contract. The balance due indicated above is due before vehicle(s) will be released to the Customer. If the vehicle(s) is not accepted by the Customer, the vehicle will be available for sale to other customers. The vehicle(s) will not be titled to the Customer until the contract total indicated above plus any interest charges indicated herein are paid in full. There is no "cooling off" or other cancellation period for vehicle sales. Therefore, you cannot later cancel this contract without the agreement of the Dealership, or for legal cause. The tax and fees reflected on this agreement are based on the regulations applicable at the time of drafting this contract. The actual amounts due will be based on the regulations applicable at the time title for each vehicle transfer.

Buyer's Signature: _____

Creative Bus Sales: _____

CBS Signature: _____

10/7/2016



Creative Bus Sales

Quote for Center Joint Unified School District to purchase IC Bus model RE3911 with AC

Capacity: Up to 82-passengers

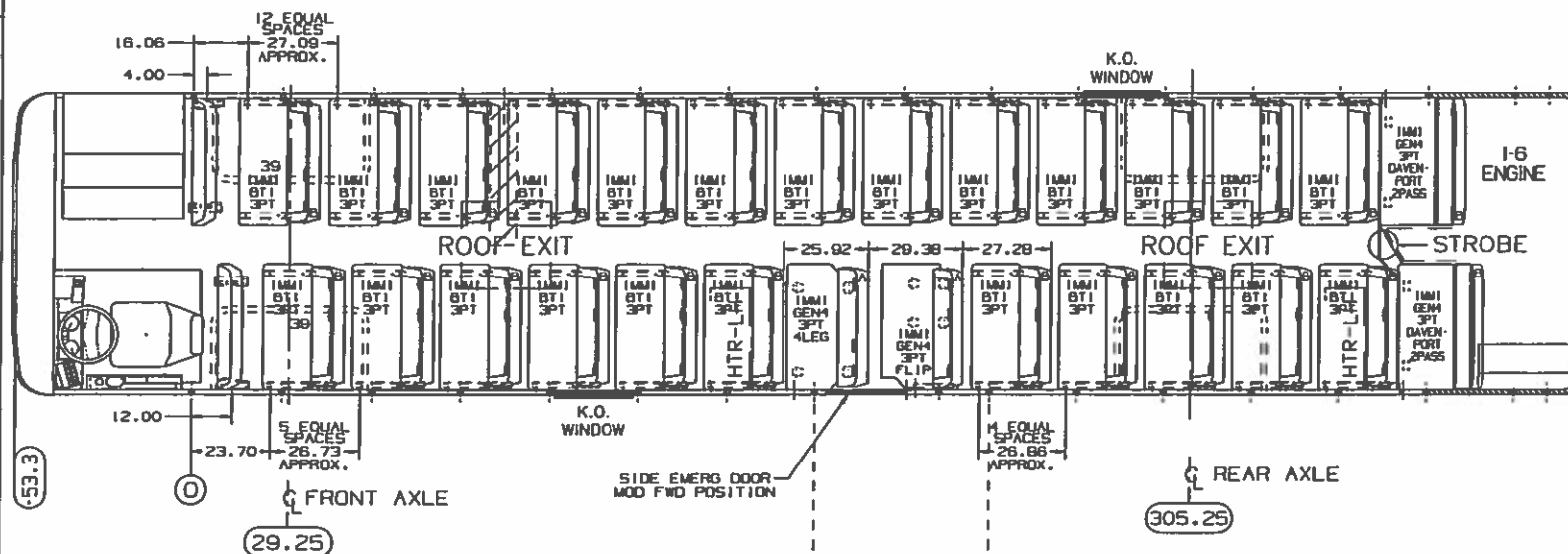
October 7, 2016

Line	Price Calculations	Bid Option Reference #	Per Bus	1 Buses
Bid price based on the South County Support Services Agency Bid #14005-D			\$146,801.00	
<i>Additional Approved Options</i>				
1	Extend standard engine and engine electronics warranty for three additional years.	25	Included	
2	Add 150,000 BTU AC system	70	\$20,500.00	
Sub-total			\$167,301.00	\$167,301.00
Add sales tax			8.00% \$13,384.08	\$0.08
Total			\$180,685.08	\$180,685.08
CA Tire Fee			\$10.50	\$10.50
Invoice Amount			\$180,695.58	\$180,695.58
Delivery Date			90 Days ARO	90 Days ARO

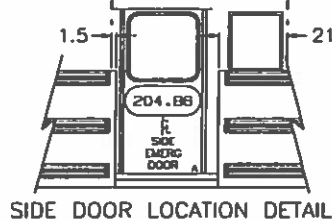
BODY PLAN

WHEELBASE 276"

PB30500, 39 FT. 11 IN., CAP 82, SEAT SIZE 39/39, SEAT SPACING VARIES, SIDE EMERG DOOR



PURCHASED SEATS IN THIS UNIT ARE:
BTI (3PT) / GEN4 (3PT)



THIS UNIT CONFORMS TO APPLICABLE FMVSS

THIS DECLARATION IS IN ACCORDANCE WITH 49 CFR 571.101-1001 AS REQUIRED BY THE INTERNATIONAL TRUCK DIVISION SCHEDULING AND TELEPHONE ACCESS-2000.

		INTERNATIONAL TRUCK AND ENGINE CORPORATION	
		INTERNATIONAL CONFIDENTIAL PROPRIETARY	
50000/49000 REVISE ONLY ON UDOMACH 20FEB13	REFERENCE	000	APPROX. MASS 1161011
	LINEAR MEASURE	1/16	ROUGH PART
	ONE PLACE 1.00	11.00	FINISHED PART
	TWO PLACE 1.00	11.00	INTERVAL CONTROL
BODY PLAN PB30500		E 50	
UDOMACH 20FEB13		E	
4		4	
CREATE-251		01	



Creative Bus Sales

Creative Bus Sales
14740 Ramona Avenue
Chino, CA 91710Phone: 909.465.5528
Fax: 909.465.5529
www.creativebussales.com**Buyer's Order Contract**

Date:	September 22, 2016	Unit #(s):	Stock
Customer Name:	Center Joint Unified School District		
Contact:	Craig Deason	Phone:	916.338.7580
Address:	8408 Watt Ave.	Fax:	916.338.6339
City, State, Zip:	Antelope, CA 95843	E-Mail:	cdeason@centerusd.org
Sys 2K Entity #:		Salesperson:	Brandon Abbott
Ship To Address:	8408 Watt Ave. Antelope, CA 95843		
Ship To Address Cont'd:			
Ship To Phone:		Ship To Email:	
Finance Source:		Contact:	
Address:		Phone:	
City, State, Zip:		Fax:	
Description of Vehicle:	2017 24-passenger Starcraft Quest on Chevy gas chassis		
Engine Type:	Gas		
VIN #:	TBD	FOB Terms:	Shipping
Number of Passengers:	24	Wheelchair Positions:	2
Estimated Delivery Date:	60 Days ARO	Payment Terms:	Net 30
		Unit Price	\$69,317.00
		Delivery	\$0.00
Possession State:	CA	Incentive (Non-Taxable)	\$0.00
		Rebates (Taxable)	\$0.00
		Doc Prep Fee (Taxable)	\$80.00
		Base Selling Price	\$69,397.00
		ADA Amount (Non Taxable)	\$12,240.00
		Total Taxable Amount	\$57,157.00
		Sales Tax Total	\$4,572.56
8.000%	CA - Antelope		\$0.00
			\$0.00
Notes: Sales tax is calculated based on the state or country in which customer takes possession of vehicle. Sales tax will be charged to customers taking possession in AZ, CA, CO, FL, IN, NM, NV, OK, OR, SC, TX, WA, Canada, and Mexico. All rebates and incentives will be signed over to Creative Bus Sales		DMV Estimated Fees	\$0.00
		DMV Electronic Filing Fee	\$0.00
		Tire Fee	\$10.50
		Fees Sub-Total	\$10.50
		Total Price Per Unit	\$73,980.06
		Quantity	2
		Contract Total	\$147,960.12
		Credits	
		Customer Trade-In	\$0.00
		Customer Deposit	\$0.00
		Balance Due	\$147,960.12

Remit To: Creative Bus Sales, Inc. 14740 Ramona Ave, Chino CA 91710

Terms: The deposit if indicated above is due with this signed contract. The balance due indicated above is due before vehicle(s) will be released to the Customer. If the vehicle(s) is not accepted by the Customer, the vehicle will be available for sale to other customers. The vehicle(s) will not be titled to the Customer until the contract total indicated above plus any interest charges indicated herein are paid in full. There is no "cooling off" or other cancellation period for vehicle sales. Therefore, you cannot later cancel this contract without the agreement of the Dealership, or for legal cause. The tax and fees reflected on this agreement are based on the regulations applicable at the time of drafting this contract. The actual amounts due will be based on the regulations applicable at the time title for each vehicle transfer.

Buyer's Signature: _____

Creative Bus Sales: Brandon Abbott

9/22/2016

CBS Signature: _____



Creative Bus Sales

Quote for Center Joint Unified School District to purchase Starcraft Quest on Chevy gas chassis

Capacity: Up to 24-passengers (Variable to two wheelchair stations)

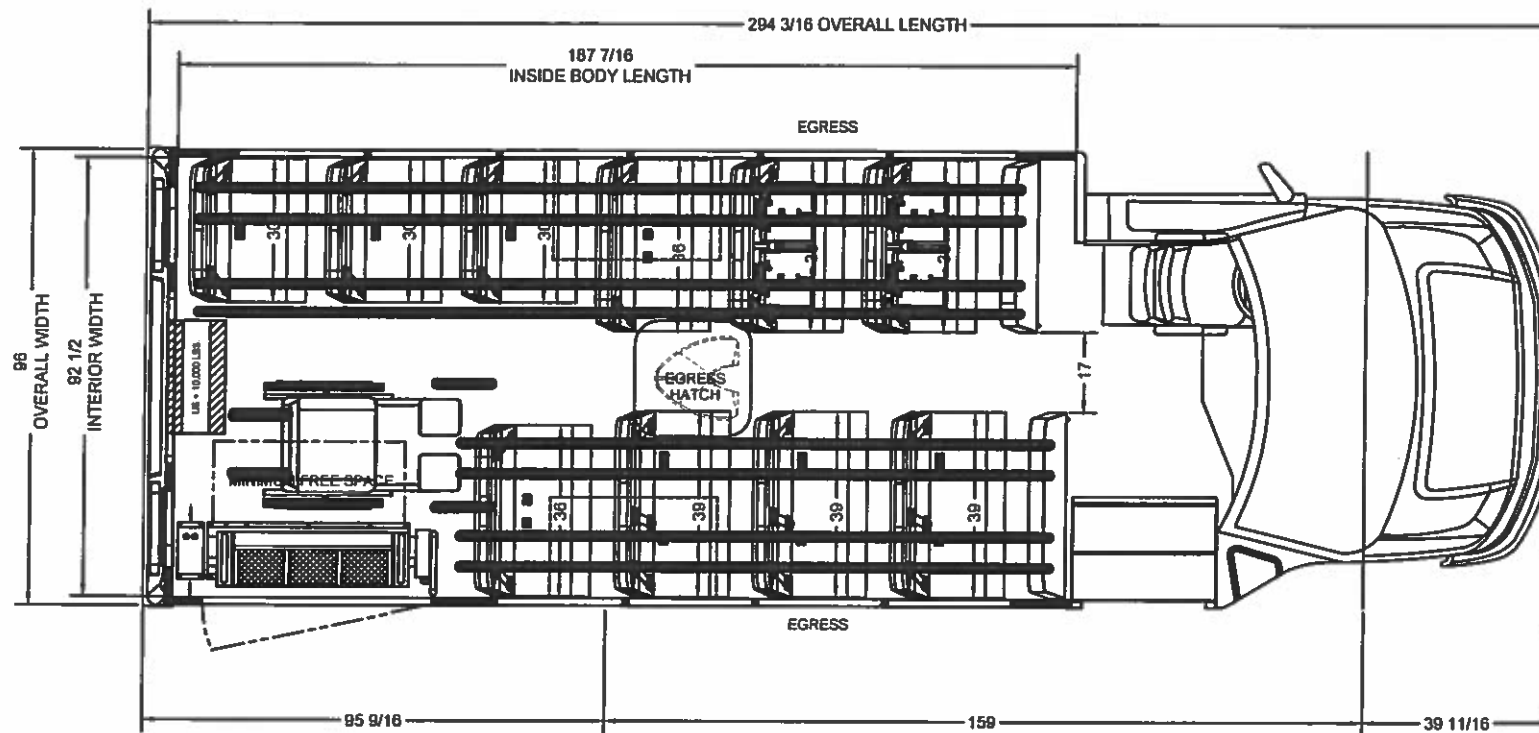
September 22, 2016

Line	Price Calculations	Bid Option Reference #	Per Bus	2 Buses
Bid price based on the South County Support Services Agency Bid #14005-A			\$68,939.00	
<i>Additional Approved Options</i>				
1	Add raised flat floor	19	\$458.00	
	Sub-total		\$69,397.00	\$138,794.00
	Add sales tax	8.00%	\$4,572.56	\$0.16
	Total		\$73,969.56	\$147,939.12
	CA Tire Fee		\$10.50	\$21.00
	Invoice Amount		\$73,980.06	\$147,960.12
	Delivery Date		60 Days ARO	60 Days ARO
* Adjusted for non-taxable special needs equipment				
	Wheelchair lift door and lift accessories		\$2,800.00	
	Wheelchair lift		\$3,100.00	
	Wheelchair stations (two @ \$920.00 each)		\$1,840.00	
	A/C System		\$4,500.00	
	Total non-taxable items		\$12,240.00	

DEALER APPROVAL

☐ APPROVED

CUSTOMER SIGNATURE



FLOORPLAN SHOWS LOCATION OF OPTIONAL ROOF HATCH AND EGRESS WINDOWS. SEE SALES ORDER FOR INFORMATION.

SEATING		SEATED	W/C
SEAT SPACING:	R29" L28"	CHILDREN 23	CHILDREN 6
		ADULTS 20	ADULTS 6
KNEE SPACING:	R24" L23"	PASSENGER CAP: 24	

THIS DRAWING AND THE INFORMATION THEREON ARE THE EXCLUSIVE PROPERTY OF STARCRAFT BUS, A DIVISION OF FOREST RIVER. IT SHALL NOT BE COPIED OR DUPLICATED IN ANY MANNER, NOR SHALL IT BE SUBMITTED TO OUTSIDE PARTIES FOR EXAMINATION WITHOUT OUR WRITTEN CONSENT. IT IS LOANED FOR USE WITH REFERENCE TO WORK UNDER CONTRACT WITH, OR PROPOSALS SUBMITTED TO STARCRAFT BUS, A DIVISION OF FOREST RIVER.

REV.
LET

DESCRIPTION OF CHANGE

BY

CHK

DATE

ECN No.

TOLERANCE UNLESS OTHERWISE SPECIFIED

WOOD	OTHER
± 1/8"	± 1/16"
± 1"	± 1/2"

STARCRAFT BUS
a division of Forest River, Inc.

TITLE: 150" WHEEL BASE - 6 SECTION
DUAL WHEEL PRODIGY
RAISED FLOOR

DATE: 8/23/16

NAME: ADB

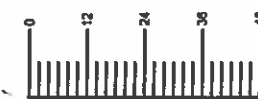
DWG No

31-95-A-578

SHEET 1 OF 4

CHEVY/GMC 14,200 GVWR

SCALE
IN INCHES



Center Joint Unified School District

Dept./Site: Superintendent's Office

To: Board of Trustees

Date: November 16, 2016

From: Scott A. Loehr, Superintendent

Principal/Administrator Initials: _____

AGENDA REQUEST FOR:

Action Item X

Information Item

Attached Pages 3

SUBJECT: Schedule Annual Organizational Meeting of the Board

Education Code §35143 requires governing boards to set an annual organizational meeting "within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar." (Board members are seated the *first Friday* of December following the November election [Education Code §5017]) That 15-day period for 2016 is December 2-16.

It is recommended that this be scheduled during our Regular Board Meeting on Wednesday, December 14, 2016 at 6:00 p.m. in Room 503 - District Board Room, located at Wilson C. Riles Middle School.

RECOMMENDATION: The Center Joint Unified School District Board of Trustees approve the scheduling of the Annual Organizational Meeting of the Board to occur on Wednesday, December 14, 2016 at 6:00 p.m. in the District Board Room (Room 503), located at Wilson C. Riles Middle School.

Sacramento Office of Education County

10474 Mather Boulevard
P.O. Box 269003
Sacramento, CA 95826-9003
(916) 228-2500

www.scoe.net

TO: District Superintendents

FROM: David W. Gordon, County Superintendent 

DATE: October 6, 2016

SUBJECT: ANNUAL ORGANIZATIONAL MEETING FOR GOVERNING BOARDS

Under the provisions of Education Code section 35143, your governing board is required to set an annual organizational meeting "within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar." (Board members are seated the *first Friday* of December following the November election [Education Code § 5017])

**The 15-day period for 2016 is:
December 2 – 16**

The day and time of the annual meeting are to be selected by your governing board at its regular meeting held (in November) *immediately prior to the first day of such 15-day period*, and the board shall notify the County Superintendent of Schools of the day and time selected.

Following your regular meeting held immediately prior to December 2, please complete and return the enclosed form, notifying us of the date and time of your organizational meeting.

NOTE: Education Code section 35143 requires the County Superintendent of Schools to designate the date and time for the annual organizational meeting if your Board fails to do so. Therefore, it is important that we receive this form no later than 5:00 p.m. on November 14, 2016. If necessary, please send the form to us via fax at 916.228.2403.

After your organizational meeting has been held, please have the enclosed "Certificate of Election of Board President, Clerk, and Board Representative" (**yellow form**) completed, signed, and forwarded to this office. If you have any questions, please call Carla Miller at 916.228.2410.

Enclosures

Education Code Section 35143

The governing board of each school district shall hold an annual **organizational meeting**. In a year in which a regular election for governing board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office.

Organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to the first day of such 15-day period, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to the first day of such 15-day period and after the regular meeting of the board held immediately prior to the first day of such 15-day period, designate the day and time of the annual meeting. The day designated shall be within the 15-day period. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a community college district, shall elect one of its members clerk of the district.

As an alternative to the procedures set forth in this section, a city board of education whose members are elected in accordance with a city charter for terms of office commencing in December, may hold its annual organizational meeting required in this section between December 15 and January 14, inclusive, as provided in rules and regulations which shall be adopted by such board. At the annual meeting the city board of education shall organize by electing a president and vice president from its members who shall serve in such office during the period January 15 next to the following January 14, unless removed from such office by majority vote of all members of the city board of education.

SCHEDULING OF ANNUAL ORGANIZATIONAL MEETING

TO: David W. Gordon, County Superintendent
Sacramento County Office of Education
P.O. Box 269003
Sacramento, CA 95826-9003

FROM: _____ District

The annual organizational meeting of this district has been set for:

Date: _____

Time: _____

Place: _____

This action was taken during the regular meeting *immediately preceding* December 2, 2016.

I hereby certify that 15 days prior to this date, all members and members-elect will be notified in writing of the time and place of the annual organizational meeting.

Signed: _____

Title: _____

Date: _____

PLEASE NOTE: If this form is not received by the County Superintendent of Schools by 5:00 p.m. on November 14, 2016, the County Superintendent shall set the date and time of the annual organizational meeting as required by Education Code section 35143.

Center Joint Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Superintendent's Office	Action Item <u> X </u>
To: Board of Trustees	Information Item <u> </u>
Date: November 16, 2016	# Attached Pages <u> 8 </u>
From: Scott A. Loehr, Superintendent	
Principal/Administrator Initials: <u> </u>	

SUBJECT: CSBA Delegate Assembly Nominations

Nominations will be accepted until Thursday, January 7, 2017. Any CSBA member board is eligible to nominate board members within their geographical region or subregion. Each board may nominate as many individuals as it chooses. The subregion for CJUSD is 6-B.

RECOMMENDATION:

OFFICE OF SUPERINTENDENT

OCT 24 2016

CENTER JOINT
UNIFIED SCHOOL DISTRICT

October 24, 2016



California School Boards Association

DEADLINE: Saturday, January 7, 2017

BOARD ACTION REQUIRED

Please deliver to all governing board members.

MEMORANDUM

To: All Board Presidents, Superintendents of CSBA Member Boards of Education

From: Chris Ungar, President

Re: Call for Nominations for CSBA Delegate Assembly

Each year, member boards elect representatives from 21 geographic regions to CSBA's Delegate Assembly. The Delegate Assembly is a vital link in the association's governance and sets the general policy direction for the association. Working with local districts, county offices, the Board of Directors, and Executive Committee, Delegates ensure that the association promotes the interests of school districts and county offices of education throughout the state. There are two required Delegate Assembly meetings each year. In 2017, the first meeting will be May 20-21 in Sacramento and the second one will be November 29-30 in San Diego preceding CSBA's Annual Education Conference and Trade show.

Nomination and candidate biographical sketch forms for CSBA's Delegate Assembly are now being accepted until **Saturday, January 7, 2017**. Nomination instructions are listed below:

- Any CSBA member board is eligible to nominate board members within their geographical region or subregion and may nominate as many individuals as it chooses by submitting a nomination form for each nominee.
- All nominees must serve on CSBA member boards and give their approval prior to being nominated.
- All nominees must submit a **one-page, single-sided**, candidate biographical sketch form. An optional one-page, one-sided résumé may also be submitted but cannot be substituted for the biographical sketch form.
- All nomination materials must be postmarked by the U.S.P.S., faxed or emailed no later than **Saturday, January 7**. It is the nominee's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office by this due date. Late submissions will not be accepted.
- Ballots will be mailed by Wednesday, February 1, 2017 and are due Wednesday, March 15, 2017.
- Elected Delegates serve a two-year term beginning April 1, 2017 through March 31, 2019.

The enclosed nomination materials related to the nomination process are available to download at <https://www.csba.org/About/Leadership/ElectionToCsbaOffice/ElectiontotheDelegateAssembly.aspx>. For more information about the Delegate Assembly, please contact the Executive Office or Charlyn Tuter at ctuter@csba.org or (800) 266-3382, ext. 3281. Thank you.



Frequently Asked Questions regarding Delegate Assembly Nominations and Elections

Who is eligible to serve on Delegate Assembly? To be eligible to serve on CSBA's Delegate Assembly, a board member must:

- Be a trustee of a district or county office of education that is a current member of CSBA; and
- Be a trustee of a district or county office of education within the geographic region or subregion which the Delegate will represent.

What is the term of office to serve on Delegate Assembly? The term of office for each Delegate is two years beginning April 1, 2017 through March 31, 2019. Within each region, approximately half of the Delegates are elected in even-numbered years and half in odd-numbered years.

How is a board member nominated to serve on the Delegate Assembly? A board member must be formally nominated by a board in the region or subregion and may be nominated by his or her own district or county office. The nomination is an action that is taken in a public board meeting and requires a majority vote. A board may nominate as many individuals as it wishes, however, it is the responsibility of the nominating board to obtain permission from the nominee prior to submitting his or her name.

What does a nomination consist of? A nomination consists of a completed signed nomination and a one-page candidate biographical sketch form. In addition, an optional, one-page, single-sided, résumé may be submitted, (résumé cannot be substituted for the candidate biographical sketch form). The biographical sketch will be copied exactly as submitted and included with the ballots.

When are the nomination and biographical sketch forms due? The nomination and candidate biographical sketch forms must be delivered to CSBA either by fax (916) 371-3407, email nominations@csba.org, or mail, postmarked by the U.S.P.S., on or before Saturday, January 7, 2017. *It is the nominee's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office.*

How are nominees elected to serve on Delegate Assembly? Ballots are mailed by Wednesday, February 1 to each district or county board within the region or subregion. Ballots must be delivered to CSBA via U.S.P.S. postmarked by Wednesday, March 15, in order to be accepted. Ballots may not be faxed or emailed.

Voting for Delegates is an action of the entire board rather than individual board members; therefore, it is done at a public meeting and requires a majority vote. Each board may vote for as many persons as there are positions to be filled within the region or subregion. All districts and candidates are notified of the results no later than March 31. If there is a tie vote, a run-off election will be held.

What are the required Delegate Assembly meeting dates? There are two required Delegate Assembly meetings each year. In 2017, the first meeting will be May 20-21 in Sacramento and the second one will be November 29-30 in San Diego preceding CSBA's Annual Education Conference and Trade show.

Does CSBA cover expenses for Delegates to attend the Delegate Assembly meetings? No, CSBA is not able to cover expenses.

For additional information, please contact the Executive Office at (800) 266-3382.



California School Boards Association

Delegate Assembly Nomination Form

DUE: Saturday, January 7, 2017

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

CSBA Region/subregion # _____

The Board of Education of the _____ wishes to
(Nominating District)

nominate _____. The nominee is a member of the
(Nominee)

_____, which is a member of the California
(Nominee's District)
School Boards Association.

- ☐ The nominee has consented to this nomination.
- ☐ Attached is the nominee's required one-page, single-sided, candidate biographical sketch form and optional one-page, single-sided résumé.
- ☐ The nominee's required one-page, single-sided, candidate biographical sketch form and optional one-page, single-sided résumé will be sent by Saturday, January 7, 2017.

Board Clerk or Board Secretary (signed)

Date

Board Clerk or Board Secretary (printed)

PLEASE NOTE: The nomination and candidate biographical sketch forms may be emailed to nominations@csba.org, faxed to (916) 371-3407 or mailed to CSBA, Attn: Executive Office, 3251 Beacon Blvd., West Sacramento, CA 95691, postmarked by the U.S.P.S. no later than Saturday, January 7, 2017. *It is the nominee's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office by the due date. Late submissions cannot be accepted.* If you have any questions, please contact the Executive Office at (800) 266-3382 or Charlyn Tuter at ctuter@csba.org. Thank you.

2017 Delegate Assembly Candidate Biographical Sketch Form

DUE: Saturday, January 7, 2017

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will **not** be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Name: _____		CSBA Region-subregion #: _____
District or COE Name: _____		Years on board: _____
Profession: _____	Contact Number: _____	E-mail: _____
Are you a continuing Delegate? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? _____		

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

Please describe your activities and involvement on your local board, community, and/or CSBA.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: _____ Date: _____

2016 CSBA DELEGATE ASSEMBLY ROSTER

DELEGATES (Year = term expiration; ♦ = appointed by district)

(As of October 14, 2016)

REGION 1 – 4 Delegates (4 elected)

Director: Jennifer Owen (Fort Bragg USD)

Subregion 1-A (Del Norte, Humboldt)

Annelia Hillman (Klamath-Trinity Joint USD), 2017

Lisa Ollivier (Eureka City SD), 2018

Subregion 1-B (Lake, Mendocino)

Taja Odom (Kelseyville USD), 2018

County: Frances Costello (Del Norte Cnty. & USD), 2017

REGION 2 – 4 Delegates (4 elected)

Director: Sherry Crawford (Siskiyou COE)

Subregion 2-A (Modoc, Siskiyou, Trinity)

Gregg Gunkel (Siskiyou Union HSD), 2017

Subregion 2-B (Shasta)

James (Jim) Schwerdt (Shasta Union HSD), 2017

Subregion 2-C (Lassen, Plumas)

Dwight Pierson (Plumas County & USD), 2018

County: Brenda Duchi (Siskiyou COE), 2018

REGION 3 – 8 Delegates (8 elected)

Director: A.C. (Tony) Ubalde (Vallejo City USD)

Subregion 3-A (Sonoma)

Dianna MacDonald (Cloverdale USD), 2017

Casandra Maitlen-Jones (Bennett Valley Un. SD), 2018

Subregion 3-B (Napa)

Indira Lopez (Calistoga Joint USD), 2017

Subregion 3-C (Solano)

Michele (Shelley) Dally (Vacaville USD), 2018

David Isom (Fairfield-Suisun USD), 2017

Vacant, 2017

Subregion 3-D (Marin)

Barbara (Barb) Owens (Tamalpais Union HSD), 2018

County: Herman Hernandez (Sonoma COE), 2017

REGION 4 – 8 Delegates (8 elected)

Director: Paige K. Stauss (Roseville Joint Union HSD)

Subregion 4-A (Glenn, Tehama)

Rod Thompson (Red Bluff Jt. Union HSD), 2018

Subregion 4-B (Butte)

Judith Peters (Paradise USD), 2017

Subregion 4-C (Colusa, Sutter, Yuba)

Jim Flurry (Marysville Joint USD), 2018

Sharman Kobayashi (Yuba City USD), 2017

Subregion 4-D (Nevada, Placer, Sierra)

Julann Brown (Auburn Union ESD), 2017

Trish Gerving (Nevada City SD), 2017

Renee Nash (Eureka Union SD), 2018

County: Suzanne Jones (Placer COE), 2018

REGION 5 – 10 Delegates (7 elected/3 appointed ♦)

Director: Jill Wynns (San Francisco County & USD)

Subregion 5-A (San Francisco)

Emily Murase (San Francisco County & USD) ♦, 2017

Rachel Norton (San Francisco County & USD) ♦, 2017

Shamann Walton (San Francisco County & USD) ♦, 2018

Subregion 5-B (San Mateo)

Davina Drabkin (Burlingame ESD), 2017

Carrie Du Bois (Sequoia Union HSD), 2017

Marc Friedman (San Mateo Union HSD), 2018

Alisa MacAvoy (Redwood City ESD), 2018

Kevin Martinez (San Bruno Park ESD), 2017

Kalimah Salahuddin (Jefferson Union HSD), 2018

County: Beverly Gerard (San Mateo COE), 2017

REGION 6 – 19 Delegates (12 elected/7 appointed ♦)

Director: Darrel Woo (Sacramento City USD)

Subregion 6-A (Yolo)

Susan Lovenburg (Davis Joint USD), 2018

Subregion 6-B (Sacramento)

Michael A. Baker (Twin Rivers USD) ♦, 2017

Ellen Cochrane (Sacramento City USD) ♦, 2018

Pam Costa (San Juan USD) ♦, 2017

Craig DeLuz (Robla ESD), 2018

John Gordon (Galt Joint Union ESD), 2017

Jay Hansen (Sacramento City USD) ♦, 2017

James Hendricks (Arcohe Union ESD), 2018

Susan Heredia (Natomas USD), 2017

Lisa Kaplan (Natomas USD), 2017

Lucinda Luttgen (San Juan USD) ♦, 2018

Crystal Martinez-Alire (Elk Grove USD) ♦, 2017

Michael McKibbin (San Juan USD), 2017

Edward Short (Folsom-Cordova USD), 2017

Bobbie Singh-Allen (Elk Grove USD) ♦, 2018

Vacant, 2018

Subregion 6-C (Alpine, El Dorado, Mono)

Misty DiVittorio (Placerville Union ESD), 2018

Suzanna George (Rescue Union ESD), 2017

County: Greg Geeting (Sacramento COE), 2018

2016 CSBA DELEGATE ASSEMBLY ROSTER

REGION 7 – 20 Delegates (15 elected/5 appointed) ♦

Director: Anne White (Livermore Valley USD)

Subregion 7-A (Contra Costa)

Elizabeth Block (West Contra Costa USD) ♦, 2018
Laura Canciamilla (Pittsburg USD), 2018
Christine Deane (Contra Costa COE), 2017
Madeline Kronenberg (West Contra Costa USD), 2017
Linda K. Mayo (Mt. Diablo USD) ♦, 2017
Kathi McLaughlin (Martinez USD), 2018
Yolanda C. Pena Mendrek (Liberty Union HSD), 2017
Raymond Valverde (Liberty Union HSD), 2018

Subregion 7-B (Alameda)

Valerie Arkin (Pleasanton USD), 2018
Desrie Campbell (Fremont USD), 2018
Ann Crosbie (Fremont USD) ♦, 2017
Jamie Hintzke (Pleasanton USD), 2018
Philip Hu (Alameda USD), 2017
Beatriz Leyva-Cutler (Berkeley USD), 2017
Jody London (Oakland USD) ♦, 2017
William McGee (Hayward USD), 2017
Amy Miller (Dublin USD), 2018
Diana J. Prola (San Leandro USD), 2017
Rosie Torres (Oakland USD) ♦, 2018
County: Aisha Knowles (Alameda COE), 2017

REGION 8 – 14 Delegates (12 elected/2 appointed) ♦

Director: Matthew Balzarini (Lammersville Joint USD)

Subregion 8-A (San Joaquin)

Gloria J. Allen (Stockton USD) ♦, 2018
Sam Fant (Manteca USD), 2018
Kathleen Garcia (Stockton USD) ♦, 2017
Ron Heberle (Lodi USD), 2017
Kathy Howe (Manteca USD), 2018
George Neely (Lodi USD), 2017
Jenny Van De Pol (Lincoln USD), 2018

Subregion 8-B (Amador, Calaveras, Tuolumne)

Zerrall McDaniel (Calaveras USD), 2017

Subregion 8-C (Stanislaus)

Faye Lane (Ceres USD), 2018
Cynthia Lindsey (Sylvan Union ESD), 2017
Vacant, 2017

Subregion 8-D (Merced)

Adam Cox (Merced City ESD), 2017
Greg Opinski (Merced Union HSD), 2018
County: Vacant, 2018

REGION 9 – 8 Delegates (8 elected)

Director: Tami Gunther (Atascadero USD)

Subregion 9-A (San Benito, Santa Cruz)

Phil Rodriguez (Soquel Union ESD), 2018
Deborah Tracy-Proulx (Santa Cruz City Schools), 2018
George Wylie (San Lorenzo Valley USD), 2017

Subregion 9-B (Monterey)

Lila Cann (Salinas Union HSD), 2017
Rita Patel (Carmel USD), 2018

Subregion 9-C (San Luis Obispo)

Mark Buchman (San Luis Coastal USD), 2018
Vicki Meagher (Lucia Mar USD), 2017
County: Sergio Alejo (Monterey COE), 2017

REGION 10 – 15 Delegates (11 elected/4 appointed) ♦

Director: Susan Markarian (Pacific Union ESD)

Subregion 10-A (Madera, Mariposa)

Barbara Bigelow (Chawanakee USD), 2017

Subregion 10-B (Fresno)

Daniel Babshoff (Kerman USD), 2017
Cynthia (Cyndi) Berube (Central USD), 2018
Darrell Carter (Washington USD), 2018
Gilbert F. Coelho (Firebaugh-Las Deltas USD), 2018
Valerie F. Davis (Fresno USD) ♦, 2017
Brian D. Heryford (Clovis USD) ♦, 2017
James Karle (Sanger USD), 2017

Marcia (Marcy) Masumoto (Sanger USD), 2017

Carol Mills (Fresno USD) ♦, 2018
Betsy J. Sandoval (Clovis USD) ♦, 2018
Norman Saude (Sierra USD), 2018
Kathy Spate (Caruthers USD), 2017

Subregion 10-C (Kings)

Karen Frey (Corcoran Joint USD), 2018
County: Barbara Thomas (Fresno COE), 2018

REGION 11 – 9 Delegates (9 elected)

Director: Suzanne Kitchens (Pleasant Valley SD)

Subregion 11-A (Santa Barbara)

Jack C. Garvin (Santa Maria Joint Union HSD), 2018
S. Monique Limon (Santa Barbara USD), 2017

Subregion 11-B (Ventura County and Las Virgenes USD)

John Andersen (Conejo Valley USD), 2018
Greg Barker (Moorpark USD), 2018
Rob Collins (Simi Valley USD), 2018
Vianey Lopez (Hueneme ESD), 2018
Christina Urias (Santa Paul USD), 2017
John Walker (Ventura USD), 2017

County: Mark Lisagor (Ventura COE), 2017

2016 CSBA DELEGATE ASSEMBLY ROSTER

REGION 12 – 13 Delegates (11 elected/2 appointed) ♦

Director: Bill Farris (Sierra Sands USD)

Subregion 12-A (Tulare)

Peter Lara, Jr. (Porterville USD), 2018
Cathy Mederos (Tulare Joint Union HSD), 2017
Dean Sutton (Exeter USD), 2017
Lucia Vazquez (Visalia USD), 2018

Subregion 12-B (Kern)

Pam Baugher (Bakersfield City SD), 2017
Jeff Flores (Kern Union HSD) ♦, 2017
Tim Johnson (Sierra Sands USD), 2017
Phillip Peters (Kern Union HSD) ♦, 2018
Elizabeth Naty Santana-Garibaldo (Lamont ESD), 2017
Scott Starkey (Southern Kern USD), 2018
Wesley Thomas (Kernville Union ESD), 2018
Vacant, 2017

County: Donald P. Cowan (Kern COE), 2018

REGION 15 – 27 Delegates (18 elected/9 appointed) ♦

Director: Meg Cutuli (Los Alamitos USD)

County: Orange

Ginny Aitkens (Saddleback Valley USD) ♦, 2017
Valerie Amezcua (Santa Ana USD) ♦, 2018
Dana Black (Newport-Mesa USD), 2018
Lauren Brooks (Irvine USD), 2018
Bonnie Castrey (Huntington Beach Union HSD), 2017
Gina Clayton-Tarvin (Ocean View SD), 2017
Jeff Cole (Anaheim ESD), 2017
Ian Collins (Fountain Valley ESD), 2017
Debbie Cotton (Ocean View SD), 2017
Lynn Davis (Tustin USD), 2018
Judy Franco (Newport-Mesa USD), 2018
Karin Freeman (Placentia-Yorba Linda USD), 2017
Bob Harden (Garden Grove USD) ♦, 2017
Gila Jones (Capistrano USD) ♦, 2018
Candice (Candi) Kern (Cypress ESD), 2018
Martha McNicholas (Capistrano USD) ♦, 2018
Lan Q. Nguyen (Garden Grove USD) ♦, 2018
Annemarie Randle-Trejo (Anaheim Union HSD) ♦, 2018
Rob Richardson (Santa Ana USD) ♦, 2017
Rosemary Saylor (Huntington Beach City ESD), 2018
Francine Scinto (Tustin USD), 2018
Michael Simons (Huntington Beach Union HSD), 2018
Robert A. Singer (Fullerton Joint Union HSD), 2017
Suzie R. Swartz (Saddleback Valley USD), 2017
Sharon Wallin (Irvine USD) ♦, 2018
Dolores Winchell (Saddleback Valley ESD), 2017
County: John W. Bedell (Orange COE), 2017

REGION 16 – 20 Delegate (15 elected/5 appointed) ♦

Director: Karen Gray (Silver Valley USD)

Subregion 16-A (Inyo)

Susan Patton (Lone Pine USD), 2017

Subregion 16-B (San Bernardino)

Jesse Armendarez (Fontana USD) ♦, 2018
Christina Cameron-Otero (Needles USD), 2017
Niccole Childs (Hesperia USD), 2018
Lorena Corona (Fontana USD) ♦, 2017
Tom Courtney (Lucerne Valley USD), 2017
Barbara J. Dew (Victor Valley Union HSD), 2018
Barbara Flores (San Bernardino City USD) ♦, 2018
Cathline Fort (Etiwanda ESD), 2018
Margaret Hill (San Bernardino City USD) ♦, 2017
Sylvia Orozco (Chino Valley USD) ♦, 2017
Caryn Payzant (Alta Loma ESD), 2018
Barbara Schneider (Helendale SD), 2018
Jane D. Smith (Yucaipa-Calimesa Joint USD), 2018
Wilson So (Apple Valley USD), 2017
Eric Swanson (Hesperia USD), 2017
Kathy A. Thompson (Central ESD), 2017
Charles Uhalley (Chaffey Joint Union HSD), 2017
Donna West (Redlands USD), 2018
County: Mark A. Sumpter (San Bernardino COE), 2018

REGION 17 – 24 Delegates (18 elected/6 appointed) ♦

Director: Carol Skiljan (Encinitas Union ESD)

County: San Diego

Elvia Aguilar (South Bay Union SD), 2018
Barbara Avalos (National SD), 2018
Kevin Beiser (San Diego USD) ♦, 2017
Brian Clapper (National SD), 2018
Katie Dexter (Lemon Grove SD), 2018
Twila Godley (Lakeside Union SD), 2017
Adrienne Hakes (Oceanside USD), 2018
Beth Hergesheimer (San Dieguito Union HSD), 2017
Elizabeth Jaka (Vista USD), 2018
Claudine Jones (Carlsbad USD), 2018
Michael McQuary (San Diego USD) ♦, 2018
Janet W. Mulder (Jamul-Dulzura Union ESD), 2017
Tamara Otero (Cajon Valley Union SD), 2017
Dawn Perfect (Ramona USD), 2017
Eduardo Reyes (Chula Vista ESD), 2018
Barbara Ryan (Santee SD), 2017
Debra Schade (Solana Beach ESD), 2018
Priscilla Schreiber (Grossmont Union HSD), 2017
Nicholas Segura (Sweetwater Union HSD) ♦, 2018
Charles Sellers (Poway USD) ♦, 2017
Arturo Solis (Sweetwater Union HSD) ♦, 2017
Sharon Whitehurst-Payne (San Diego USD) ♦, 2017
Vacant, 2018
County: Mark C. Anderson (San Diego COE), 2017

2016 CSBA DELEGATE ASSEMBLY ROSTER

REGION 18 – 21 Delegates (16 elected/5 appointed) ♦

Director: Jerry Bowman (Meniffee Union ESD)

Subregion 18-A (Riverside)

Bruce N. Dennis (Riverside COE), 2017
Kenneth Dickson (Murrieta Valley USD), 2017
Tom Elliott (Perris ESD), 2018
Tom Hunt (Riverside USD) ♦, 2017
Ben Johnson, II (Alvord USD), 2018
Cleveland Johnson (Moreno Valley USD) ♦, 2017
Wendy Jonathan (Desert Sands USD), 2018
Marla Kirkland (Val Verde USD), 2018
Susan Lara (Beaumont USD), 2018
Patricia Lock-Dawson (Riverside USD) ♦, 2018
Memo Mendez (Jurupa USD), 2017
Bill Newberry (Corona-Norco USD) ♦, 2017
John I. Norman (San Jacinto USD), 2017
David Allen Pulsipher (Temecula Valley USD), 2017
Cathy L. Sciortino (Corona-Norco USD) ♦, 2018
Susan Scott (Lake Elsinore USD), 2018
Sandra Tusant (Romoland ESD), 2017

Subregion 18-B (Imperial)

Ralph Fernandez (Brawley Union HSD), 2017
Diahna Garcia-Ruiz (Heber ESD), 2017
Gloria Santillan (Brawley ESD), 2018
County: Susan Manger (Imperial COE), 2018

REGION 20 – 12 Delegates (11 elected/1 appointed) ♦

Director: Albert Gonzalez (Santa Clara USD)

County: Santa Clara

Robert Benevento (Morgan Hill USD), 2018
Frank Biehl (East Side Union HSD), 2018
Cynthia Chang (Los Gatos-Saratoga Jt. Union HSD), 2018
Danielle Cohen (Campbell Union SD), 2017
Pamela Foley (San Jose USD) ♦, 2017
Anjali Kausar (Cupertino Union SD), 2017
Bonnie Mace (Evergreen ESD), 2017
Joe Mitchner (Mountain View-Los Altos Un. HSD), 2018
Reid Myers (Sunnyvale SD), 2017
Andres Quintero (Alum Rock Union ESD), 2017
George Sanchez (Franklin-McKinley ESD), 2017
County: Rosemary Kamei (Santa Clara COE), 2018

REGION 21 – 7 Delegates (7 appointed) ♦

Director: George McKenna (Los Angeles USD)

County: Los Angeles

Monica Garcia (Los Angeles USD) ♦, 2017
Monica Ratliff (Los Angeles USD) ♦, 2017
Ref Rodriguez (Los Angeles USD) ♦, 2020
Scott Schmerelson (Los Angeles USD) ♦, 2020
Richard Vladovic (Los Angeles USD) ♦, 2020
Steven Zimmer (Los Angeles USD) ♦, 2017
County: Douglas Boyd (Los Angeles COE) ♦, 2018

REGION 22 – 6 Delegates (6 elected)

Director: Victor Torres (Castaic Union SD)

Los Angeles County: North Los Angeles

John K. Curiel (Westside Union ESD), 2017
Steven DeMarzio (Westside Union ESD), 2018
R. Michael Dutton (Keppel Union ESD), 2017
Keith Giles (Lancaster ESD), 2018
Nancy Smith (Palmdale ESD), 2018
Steven M. Sturgeon (William S. Hart Union HSD), 2017

REGION 23 – 16 Delegates (13 elected/3 Appointed) ♦

Director: Xilonin Cruz-Gonzalez (Azusa USD)

Los Angeles County: San Gabriel Valley & East Los Angeles

Subregion 23-A

Adele Andrade-Stadler (Alhambra USD), 2017
Kenneth Bell (Duarte USD), 2017
Bob Bruesch (Garvey ESD), 2018
Gregory Krikorian (Glendale USD), 2018
Gary Scott (San Gabriel USD), 2018

Subregion 23-B

Benjamin Cardenas (Montebello USD) ♦, 2017
Anthony Duarte (Hacienda La Puente USD), 2018
Helen Hall (Walnut Valley USD), 2017
Gino (J.D.) Kwok (Hacienda La Puente USD) ♦, 2018
Vacant, 2017

Subregion 23-C

Steven Llanusa (Claremont USD), 2018
Christina Lucero (Baldwin Park USD), 2017
Eileen Miranda Jimenez (West Covina USD), 2017
Roberta Perlman (Pomona USD) ♦, 2017
Camie Poulos (West Covina USD), 2018
Paul Solano (Bassett USD), 2018

REGION 24 – 16 Delegates (14 elected/2 Appointed) ♦

Director: Donald E. LaPlante (Downey USD)

Los Angeles County: Southwest Crescent

Darryl Adams (Norwalk-La Mirada USD), 2017
Micah Ali (Compton USD), 2017
Leighton Anderson (Whittier Union HSD), 2018
Jan Baird (South Whittier ESD), 2017
Paul Gardiner (East Whittier City ESD), 2018
Margie Garrett (Compton USD), 2018
Vivian Hansen (Paramount USD), 2017
Megan Kerr (Long Beach USD) ♦, 2017
Eugene Krank (Hawthorne SD), 2018
Jose Lara (El Rancho USD), 2017
Sylvia V. Macias (South Whittier ESD), 2018
John McGinnis (Long Beach USD) ♦, 2018
Karen Morrison (Norwalk-La Mirada USD), 2018
Ann M. Phillips (Lawndale ESD), 2018
Margarita Rios (Norwalk-La Mirada USD), 2018
Ana Valencia (Norwalk-La Mirada USD), 2017

Center Joint Unified School District

AGENDA REQUEST FOR:	
Dept./Site: Superintendent's Office	Action Item <u>X</u>
To: Board of Trustees	Information Item _____
Date: November 16, 2016	# Attached Pages _____
From: Scott A. Loehr, Superintendent	
Principal/Administrator Initials: _____	

SUBJECT: Second Reading: Board Policies/Regulations/Exhibits

Replace E	0420.41	Charter School Oversight
Replace BP/AR	0450	Comprehensive Safety Plan
Replace BP/AR	0520.2	Title I Program Improvement Schools
Delete E(1), E(2)	0520.2	Title I Program Improvement Schools
Replace BP	0520.3	Title I Program Improvement Districts
Delete AR	0520.3	Title I Program Improvement Districts
Replace BP/AR	1230	School-Connected Organizations
Replace BP/AR	1312.3	Uniform Complaint Procedures
Replace BP	2121	Superintendent's Contract
Replace BP	3230	Federal Grant Funds
Add AR	3230	Federal Grant Funds
Replace BP/AR	3270	Sale and Disposal, Equipment and Supplies
Replace BP/AR	3311	Bids
Replace AR	3440	Inventories
Replace AR	3460	Financial Reports and Accountability
Replace AR	3512	Equipment
Replace BP/AR	3513.3	Tobacco-Free Schools
Replace AR	3516.3	Earthquake Emergency Procedure System
Replace BP	3541.2	Transportation for Student with Disabilities
Delete AR	3541.2	Transportation for Student with Disabilities
Replace BP/AR	3553	Free and Reduced Price Meals
Replace BP	3555	Nutrition Program Compliance
Replace BP	3580	District Records
Replace BP	4112.2	Certification
Delete BP/AR/E	4112.24	Teacher Qualifications Under the No Child Left Behind Act
Replace E	4112.9/4212.9/4312.9	Employee Notifications
Replace BP	4113	Assignment
Replace AR	4115	Evaluation/Supervision
Replace AR	4222	Teacher Aides/Paraprofessionals
Delete E	4222	Teacher Aides/Paraprofessionals
Replace BP/AR	5116.1	Intradistrict Open Enrollment
Replace BP/AR	5121	Grades/Evaluation of Student Achievement

(continued on next page)

Replace	BP	5131.62	Tobacco
Replace	BP/AR	5145.3	Nondiscrimination/Harassment
Replace	E	5145.6	Parental Notifications
Replace	BP/AR	5145.7	Sexual Harassment
Replace	AR	6158	Independent Study
Replace	AR	6164.41	Children with Disabilities Enrolled by Their Parents in Private School
Replace	BP	6179	Supplemental Instruction
Replace	BP/AR	6200	Adult Education
Add	BB	9222	Resignation
Replace	BB/E	9270	Conflict of Interest
Replace	BB	9321	Closed Session Purposes and Agendas

Minor Revisions:

Replace	AR	3314	Payment for Goods and Services
Replace	AR	3515.5	Sex Offender Notification
Replace	BP	4030	Nondiscrimination in Employment
Replace	AR	4112	Appointment and Conditions of Employment
Replace	BP	4112.21	Interns
Replace	AR	4112.23	Special Education Staff
Replace	E	4112.9/4212.9/4312.9	Employee Notifications
Replace	BP	4117.13/4317.13	Early Retirement Option
Replace	AR	5141.4	Child Abuse Prevention and Reporting
Replace	AR	6158	Independent Study
Replace	AR	6171	Title I Programs
Replace	E(1)	9323.2	Actions by the Board

RECOMMENDATION: CJUSD Board of Trustees approve the second reading of presented policies/regulations/exhibits.

AGENDA ITEM: _____

CSBA Sample Exhibit

Philosophy, Goals, Objectives, and Comprehensive Plans

E 0420.41(a)

CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

Note: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by the district to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

~~Charter schools are exempt from provisions of the Education Code unless they are expressly included in the law. However,~~ Charter schools **are shall be** subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements **that expressly include charter schools**, including, but not limited to, requirements that each charter school:

- ~~3.1.~~ Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
- ~~4.2.~~ Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
- ~~5.3.~~ Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article IX, Section 5, applies to charter schools. Charter schools may only charge fees authorized by law that have been made explicitly applicable to charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts. In addition, Education Code 49011 prohibits all public schools from requiring services or donations as a condition of enrollment or continued enrollment.

- ~~6.4.~~ Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
- ~~7.5.~~ Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
- ~~8.6.~~ Serve students who are California residents and who, if over 19 years of age, are

CHARTER SCHOOL OVERSIGHT (continued)

continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district and is not its own local educational agency for special education purposes receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the district on behalf of disabled students in the charter school.

If a charter school is operating as a public school of the district for purposes of providing special education, the district retains responsibility and must determine how best to ensure that all special education students receive a free appropriate public education (FAPE). However, the California Office of Administrative Hearings has ruled (Student v. Horizon Instructional Systems Charter School) that a charter school operating as its own local educational agency for purposes of special education, including a charter school offering an independent study program, is solely responsible for providing special education students with FAPE.

9.7. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

10.8. Admit all students who wish to attend the school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
- c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law. (Education Code 47605)

CHARTER SCHOOL OVERSIGHT (continued)

- 11.9.** Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)

Note: Education Code 48859, as amended by SB 445 (Ch. 289, Statutes of 2015), requires all charter schools to comply with state law regarding the enrollment and placement of foster youth.

- 12.10.** ~~If the school participates as a member of a special education local plan area (SELPA),~~ Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

- 13.11.** If the school offers a kindergarten program: (Education Code 48000)

- a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2

Note: Pursuant to Education Code 48000, ~~as amended by SB 876 (Ch. 687, Statutes of 2014), as a condition of receiving apportionments for transitional kindergarten (TK) students,~~ charter schools must ensure that credentialed teachers who are first assigned to a TK class after July 1, 2015 possess certain qualifications by August 1, 2020. These requirements include at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the Commission on Teacher Credentialing (CTC).

- b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020

Note: The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6319 to eliminate the requirement that teachers who teach core academic subjects meet requirements for "highly qualified" teachers, as defined. Guidance from the U.S. Department of Education (USDOE), Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, clarifies that local educational agencies, including charter schools, will not be required to comply with "highly qualified" teacher requirements beginning in the 2016-17 school year. Thus, hiring practices should be based solely upon state licensure requirements.

- 14.12.** Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

Note: According to U.S. Department of Education (USDOE) nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirements for "highly qualified" teachers pursuant to 20 USC 6319; see BP/AR/E 4112.24 Teacher Qualifications Under the No Child Left Behind Act. 34 CFR 300.18 clarifies that, with regard to special education teachers in a charter school, "highly-qualified" means that the teacher meets the certification requirements set forth in the state's charter school law.

CHARTER SCHOOL OVERSIGHT (continued)

- ~~15. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)~~

Note: Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), adds the following requirement for charter schools:

- ~~16.13.~~ Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4212.5/4312.5 - Criminal Record Check.

- ~~17.14.~~ Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)

Note: Education Code 44030.5 requires charter schools to report to the CTC any change in employment status due to an allegation of misconduct. See AR 4117.7/4317.7 - Employment Status Reports for further information about these reports.

- ~~18.15.~~ Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

- ~~19.16.~~ Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

- ~~20.17.~~ Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Note: According to USDOE nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have paraprofessionals working in programs supported by Title I funds must comply with requirements of 20 USC 6319 regarding paraprofessional qualifications; see BP/AR/E 4222 - Teacher Aides/Paraprofessionals.

- ~~21. If the school receives Title I funds, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)~~

CHARTER SCHOOL OVERSIGHT (continued)

Note: Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), requires charter schools that serve students in grade 9 to adopt a mathematics placement policy with specified components.

- 18. If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy, with specified components (Education Code 51224.7)**

Note: Education Code 47605 requires charter schools to conduct statewide assessments, including, but not limited to, the California High School Exit Examination (Education Code 60850-60859). However, Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), suspends the administration of the exit examination through the 2017-18 school year.

- ~~22.19.~~ Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605, 60850-60859)**

Note: Education Code 60851.6, as added by SB 172 (Ch. 572, Statutes of 2015), requires charter schools to retroactively grant diplomas to students who met all graduation requirements except for passage of the high school exit examination, as provided in item #20 below.

- 20. Until July 31, 2018, grant a high school diploma to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and who has met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 60851.6)**

Note: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet the requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

- ~~23.21.~~ Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 46201.2, 47612.5)**

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

- ~~24.22.~~ If the school provides independent study, meet the requirements of Education Code**

CHARTER SCHOOL OVERSIGHT (continued)

51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

- 25.23.** Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

Note: Education Code 221.9, as added by SB 1349 (Ch. 258, Statutes of 2014), adds the following requirement for charter schools beginning in the 2015-16 school year:

- 26.24.** If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

- 27.25.** If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity. (Education Code 49475)

- 28.26.** On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

Note: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

- 29.27.** Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

- 30.28.** Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

CHARTER SCHOOL OVERSIGHT (continued)

- 31.29.** If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

Note: Education Code 69432.9, as amended by AB 2160 (Ch. 679, Statutes of 2014), adds the following requirement for charter schools that offer grade 12:

- 32.30.** Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days (Education Code 69432.9)
- 33.31.** Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

Note: Education Code 222, as added by AB 302 (Ch. 690, Statutes of 2015), requires charter schools to provide reasonable lactation accommodations to students as provided in item #32 below.

- 32.** Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding (Education Code 222)

Note: Education Code 49414, as amended by SB 1266 (Ch. 321, Statutes of 2014), adds the following requirement for charter schools. For further information, see AR 5141.21 Administering Medication and Monitoring Health Conditions.

- 34.33.** Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)
- a. Providing school nurses or other voluntary, trained personnel with at least one

CHARTER SCHOOL OVERSIGHT (continued)

regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device

- b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
 - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration
- 35.34.** Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
- 36.35.** Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the **SBE local control and accountability plan** template in ~~accordance with Education Code 47606.5~~ **5 CCR 15497.5**. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5; **5 CCR 15497.5**)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)
 - c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)

CHARTER SCHOOL OVERSIGHT (continued)

- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)

Note: Pursuant to 5 CCR 4600, direct-funded charter schools are subject to state requirements to adopt uniform complaint procedures for investigating and resolving specified types of complaints in accordance with 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures for further information about types of complaints addressed through these procedures, required notifications, timelines, and other requirements.

- 36. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)**
- 37. Annually adopt a school accountability report card containing the information specified in state law, and notify parents/guardians that a hard copy will be provided upon request (Education Code 33126-33126.15, 35256-33258, 41409.3, 47612; California Constitution, Article XVI, Section 8.5)**

Note: Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

In addition, charter schools shall comply with the state and federal constitutions, applicable federal laws, and state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963 and the conflict of interest laws in Government Code 1090-1099 and 87100-91014.

(10/13 4/15) 5/16

CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

Charter schools are exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Comply with the state and federal constitution and applicable state and federal laws
2. Comply with state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963
3. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
4. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
5. Not charge tuition (Education Code 47605)
6. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
7. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
8. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
9. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)
10. Admit all students who wish to attend the school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

CHARTER SCHOOL OVERSIGHT (continued)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
 - c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law. (Education Code 47605)
- 11. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
- 12. If the school participates as a member of a special education local plan area (SELPA), comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
- 13. If the school offers a kindergarten program: (Education Code 48000)
 - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2
 - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020
- 14. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)
- 15. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (SBE) (20 USC 6319; 34 CFR 300.18)

CHARTER SCHOOL OVERSIGHT (continued)

16. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
17. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)
18. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
19. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
20. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
21. If the school receives Title I funds, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)
22. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or assessments applicable to noncharter public schools (Education Code 47605, 47612.5)
23. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 46201.2, 47612.5)
24. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
25. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

CHARTER SCHOOL OVERSIGHT (continued)

26. If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
27. If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity. (Education Code 49475)
28. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)
29. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)
30. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
31. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
32. Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days (Education Code 69432.9)
33. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

CHARTER SCHOOL OVERSIGHT (continued)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
34. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)
- a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device
 - b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
 - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration
35. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
36. Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the SBE template in accordance with Education Code 47606.5. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5)

CHARTER SCHOOL OVERSIGHT (continued)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)

- c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)

CSBA Sample

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0450(a)

COMPREHENSIVE SAFETY PLAN

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

Note: Pursuant to Education Code 32281 and 32286, each school is required to adopt a comprehensive school safety plan (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

OPTION 1: (Districts with more than 2,500 ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

COMPREHENSIVE SAFETY PLAN (continued)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

~~Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)~~

~~**OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)**~~

~~The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)~~

Note: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the comprehensive safety plan by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

Pursuant to Education Code 32288, the updated plan(s) must be submitted to the district for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year **and forwarded to the Board for approval.** (Education Code 32286, **32288**)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

Note: Education Code 32288 requires that districts notify the California Department of Education if a school has not complied with the safety plan requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to \$2,000.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

COMPREHENSIVE SAFETY PLAN (continued)

Tactical Response Plan

Note: The following section is **optional**. Pursuant to Education Code 32281, ~~as amended by AB 680 (Ch. 438, Statutes of 2011)~~, the Governing Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

Note: The following paragraph is **optional**. Pursuant to Education Code 32281, ~~as amended by AB 680 (Ch. 438, Statutes of 2011)~~, the Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference: (see next page)

COMPREHENSIVE SAFETY PLAN (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32260-32262 Interagency School Safety Demonstration Act of 1985
32270 School safety cadre
32280-32289 School safety plans
32290 Safety devices
35147 School site councils and advisory committees
35183 School dress code; uniforms
35291 Rules
35291.5 School-adopted discipline rules
35294.10-35294.15 School Safety and Violence Prevention Act
48900-48927 Suspension and expulsion
48950 Speech and other communication
49079 Notification to teacher; student act constituting grounds for suspension or expulsion
67381 Violent crime

PENAL CODE

422.55 Definition of hate crime
626.8 Disruptions
11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements
11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

~~7101-7165 Safe and Drug Free Schools and Communities~~
7111-7122 Student Support and Academic Enrichment Grants
7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students Transgender and Gender-Nonconforming Students, Policy Brief, April 2010 February 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS

Uniform Crime Reporting Handbook, 2004

COMPREHENSIVE SAFETY PLAN (continued)

Management Resources: (continued)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002 2004

WEB SITES

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

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

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

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

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

Federal Bureau of Investigation: <http://www.fbi.gov>

~~National Alliance for Safe Schools: <http://www.safeschools.org>~~

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

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

U.S. Secret Service, National Threat Assessment Center:

<http://www.secretservice.gov/ntac-ssi.shtml#protection/ntac>

Center USD

Board Policy

Comprehensive Safety Plan

BP 0450

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 5131 - Conduct)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

(Districts with more than 2,500 ADA and districts with 2,500 or less ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32260-32262 *Interagency School Safety Demonstration Act of 1985*

32270 *School safety cadre*

32280-32289 *School safety plans*

32290 *Safety devices*

35147 *School site councils and advisory committees*

35183 *School dress code; uniforms*

35291 *Rules*

35291.5 *School-adopted discipline rules*

35294.10-35294.15 *School Safety and Violence Prevention Act*

41510-41514 *School Safety Consolidated Competitive Grant Program*

48900-48927 *Suspension and expulsion*

48950 *Speech and other communication*

49079 *Notification to teacher; student act constituting grounds for suspension or expulsion*

67381 *Violent crime*

PENAL CODE

422.55 *Definition of hate crime*

626.8 *Disruptions*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

CALIFORNIA CONSTITUTION

Article I, Section 28(c) *Right to Safe Schools*

CODE OF REGULATIONS, TITLE 5

11987-11987.7 *School Community Violence Prevention Program requirements*

11992-11993 *Definition, persistently dangerous schools*

UNITED STATES CODE, TITLE 20

7101-7165 *Safe and Drug Free Schools and Communities*

7912 *Transfers from persistently dangerous schools*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

Management Resources: (see next page)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

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Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

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

California Healthy Kids Survey: <http://chks.wested.org>

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

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

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

U.S. Secret Service, National Threat Assessment Center: http://www.secretservice.gov/ntac_ssi.shtml

CSBA Sample

Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0450(a)

COMPREHENSIVE SAFETY PLAN

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

Pursuant to Education Code 234.5, the California Department of Education has posted on its web site a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Development and Review of Comprehensive School Safety Plan

Note: The following section reflects requirements for the development of site-level comprehensive safety plans ~~required by pursuant to~~ Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance (ADA) of 2,500 or less that selected ~~only~~ Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

Pursuant to Education Code 32281, ~~as amended by AB 680 (Ch. 438, Statutes of 2011)~~, the Governing Board may elect to have district administrators, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury; see the accompanying Board policy.

The school site council shall consult with local law enforcement in ~~the~~ writing and development of the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. ~~This committee shall be~~ composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization

COMPREHENSIVE SAFETY PLAN (continued)

Note: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

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

Before adopting ~~its~~ **the** comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

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

COMPREHENSIVE SAFETY PLAN (continued)

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of ~~school~~ **any** crime committed on campus and at school-related functions. (Education Code 32282)

Note: The following **optional** paragraph may be revised to reflect district practice. In assessing the current status of school crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the California Healthy Kids Survey or the Centers for Disease Control and Prevention's Youth Risk Behavior Survey.

The assessment may include, but not be limited to, ~~data on~~ reports of ~~school~~ crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

Note: Education Code 32282 requires that the following components be included in the districtwide and/or school site safety plan. The district may expand this list to require other components at its discretion.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:

- a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

Note: Education Code 32282 requires districts to incorporate earthquake emergency procedures and disaster policies into the comprehensive school safety plan, as specified in items #2b and #2c below. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System for further details about required components of these procedures.

- b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

COMPREHENSIVE SAFETY PLAN (continued)

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

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

Note: Education Code 234.1, ~~as amended by AB 9 (Ch. 723, Statutes of 2011)~~, requires the Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so; see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. In addition, the district's complaint process must include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

COMPREHENSIVE SAFETY PLAN (continued)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

Note: Although Education Code 32282 requires that the safety plan include hate crime reporting procedures pursuant to Penal Code 628-628.6, those sections of the Penal Code were repealed in 2005.

- ~~10. Hate crime reporting procedures~~

~~*(cf. 5145.9 - Hate Motivated Behavior)*~~

Note: The following components are optional and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

Note: ~~AB 1156 (Ch. 732, Statutes of 2011) amended~~ Education Code 32282 and 32261 to encourage, but do not require, all comprehensive safety plans to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

~~*(cf. 5136 - Gangs)*~~

COMPREHENSIVE SAFETY PLAN (continued)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. **District policy related to possession of firearms and ammunition on school grounds**

(cf. 3515.7 - Firearms on School Grounds)

8. **Measures to prevent or minimize the influence of gangs on campus**

(cf. 5136 - Gangs)

COMPREHENSIVE SAFETY PLAN (continued)

Note: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled or crimes listed in Education Code 67381, including homicide, rape, robbery, and aggravated assault, as defined in the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. Education Code 32281 encourages that the notice be sent no later than the second work day after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

- 8.9.** Procedures for receiving verification from law enforcement ~~that~~ **when** a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

- 9.10.** Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for ~~the~~ closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism and Graffiti)

Note: Education Code 32282.1 does not require, but encourages, that comprehensive safety plans include the strategies described in item #11 below, to the extent the district uses the listed professionals.

- 11.** Guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:
- a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement
 - b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support

COMPREHENSIVE SAFETY PLAN (continued)

- c. **Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity**

12. Strategies for suicide prevention and intervention

(cf. 5141.52 - Suicide Prevention)

Note: Penal Code 626.8 provides that a person may be guilty of a misdemeanor if he/she interferes with or disrupts a school activity, ~~or remains on campus after having been asked to leave, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school.;~~ see BP/AR 3515.2 - Disruptions. ~~AB 123 (Ch. 161, Statutes of 2011) amended Penal Code 626.8 to expand the definition of a misdemeanor to also include willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school.~~

- 13. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff**

(cf. 3515.2 - Disruptions)

14. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

COMPREHENSIVE SAFETY PLAN (continued)

- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

(cf. 1112 - Media Relations)
(cf. 9010 - Public Statements)

- f. Development of a method for the reporting of violent incidents
- g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11.15. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

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

Note: ~~Education Code 32281 provides that the district's comprehensive safety plan may include the following optional procedures.~~ Pursuant to Education Code 32284, the comprehensive safety plan may, at the discretion of the Board, include procedures for release of a pesticide or other toxic substance on properties located within one-quarter mile of a school. No state funds may be used for this purpose.

7.16. ~~Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school~~ Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

(cf. 3510 - Green School Operations)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)

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Center USD

Administrative Regulation

Comprehensive Safety Plan

AR 0450

Philosophy, Goals, Objectives and Comprehensive Plans

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

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

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

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

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

- b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

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

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism and Graffiti)

10. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.2 - Disruptions)

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

(cf. 1112 - Media Relations)
(cf. 9010 - Public Statements)

- f. Development of a method for the reporting of violent incidents
- g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

- 11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

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

CSBA Sample

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.2(a)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following optional policy and accompanying administrative regulation are for use by districts that receive federal Title I funds to improve the academic achievement of students from economically disadvantaged families; see BP/AR 6171 - Title I Programs. Pursuant to the No Child Left Behind Act of 2001 (NCLB) (20 USC 6316), schools receiving Title I funds are identified for "program improvement" (PI) if they fail to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive years. See the definition of AYP in the accompanying administrative regulation. According to the state criteria, a school is identified for PI if, for each of two consecutive years, it either (1) does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or (2) does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. The assessment scores of small schools that have too few students to generate a school-level report are aggregated into a district accountability measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) Adequate Yearly Progress Report Information Guide. As amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), 20 USC 6311 provides for a new system of school support and improvement activities for Title I schools beginning in the 2017-18 school year. Using a methodology to be established in the state plan, the California Department of Education (CDE) will be required to identify and notify districts regarding schools that need "comprehensive support and improvement," including schools in the lowest performing five percent of Title I schools, all high schools failing to graduate one third or more of their students, and schools in which a subgroup of students, considered on its own, would lead to identification among the lowest performing five percent of schools. The CDE will also be required to notify districts of schools that have a consistently underperforming subgroup of students and therefore need "targeted support and improvement." Until the new school improvement system is in place, schools that were previously identified for program improvement (PI) for failure to make "adequate yearly progress" (AYP) for two or more consecutive years must continue to implement their improvement plans and are subject to the requirements of this policy and the accompanying administrative regulation.

For requirements pertaining to districts identified for PI, pursuant to 20 USC 6316 see BP/AR 0520.3 - Title I Program Improvement Districts.

The following paragraph reflects the goals of the PI program pursuant to 20 USC 6311 and may be revised to reflect district practice:

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education district shall provide support and assistance to increase student achievement in any school that receives federal Title I funding and has been identified by the California Department of Education as a program improvement (PI) school.

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

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6171 - Title I Programs)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), The Superintendent or designee shall ensure that school improvement efforts are coordinated, and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.~~

~~Note: Pursuant to 20 USC 6316, whenever a school is identified for PI, the district must allow, in Year 1 of PI and in subsequent years, all students in that school to transfer to another district school or charter school that has not been identified for PI. In addition to the transfer option, 20 USC 6316 requires the district to arrange for supplemental educational services for eligible students in schools that are in Year 2 of PI and beyond. For schools in Year 3 of PI and beyond, other corrective actions and/or restructuring must also be implemented. See the accompanying administrative regulation.~~

~~20 USC 6316 and 34 CFR 200.48 require that the district set aside an amount equal to at least 20 percent of district Title I funds to pay for costs related to supplemental educational services and transportation for student transfers. Districts have some discretion as to how much is spent on each purpose, provided that at least 5 percent of the district's total Title I allocation is allotted to each purpose. The district may spend less if the demand is met. The district may, but is not required to, use non-Title I funds or additional federal, state, or local sources of funding for these purposes if the demand for services exceeds 20 percent.~~

~~Administrative costs cannot be counted in these amounts. However, pursuant to 34 CFR 200.48, as amended by 73 Fed. Reg. 210, the cost of determining outreach and assistance to parents/guardians concerning their choice to transfer their child or to request supplemental services may be included within specified limits. 73 Fed. Reg. 210 also amended 34 CFR 200.48 to provide that, if a district does not meet its 20-percent spending obligation in a given school year, it must spend the unexpended amount on these purposes in the subsequent school year, unless it meets specified criteria; see the accompanying administrative regulation.~~

~~Although school improvement plans are still in effect for PI schools, districts are no longer required, because of the repeal of 20 USC 6316 by P.L. 114-95, to (1) offer intradistrict transfers to all students in Title I schools identified for Year 1 PI or beyond or (2) provide supplemental educational services from an approved service provider to eligible students in schools identified for Year 2 PI or beyond.~~

~~At their discretion, districts may choose to continue to offer intradistrict transfers to students in PI schools. If the Governing Board elects to continue to offer the option to transfer, it may revise the paragraph below to reflect that option. 20 USC 6311, as amended by P.L. 114-95, requires that any student who was previously granted a transfer out of a PI school be allowed to remain at the school to which he/she transferred until the highest grade maintained at that school; see BP/AR 5116.1 - Intradistrict Open Enrollment.~~

~~In addition, although the requirement to provide supplemental educational services was repealed, the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year; see the accompanying administrative regulation. Also see BP 6179 - Supplemental Instruction and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016).~~

~~Depending on the length of time a district school has been identified for PI, The district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

The Superintendent or designee shall ensure that school improvement ~~efforts~~ **strategies developed for any PI school are coordinated, and aligned, and effectively implemented in accordance with administrative regulation and the Board-approved school improvement plan.**

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6179 - Supplemental Instruction)

Note: When a school enters Year 3 PI, the Board is required to select corrective action(s) to be applied to the school. The Board also must select a restructuring option for any school that enters Year 4 PI. See the accompanying administrative regulation for allowable options.

As necessary, the Board shall determine corrective actions for schools in Year 3 of PI and/or restructuring options for schools in Year 4 of PI or beyond.

Note: Pursuant to Education Code 53300-53303 (the Parent Empowerment Act) and 5 CCR 4800-4808, when a school ~~is identified for Year 3 PI (corrective action)~~ enters Year 4 PI, ~~and meets other specified criteria continues to fail to make AYP, has a state Academic Performance Index (API) of less than 800, and is not identified by the CDE as a "persistently lowest achieving school,"~~ the parents/guardians of that school may petition the district to implement one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as these models are described in 5 CCR 4803-4807. However, both the AYP and API measures are currently suspended and the CDE's last identification of "persistently lowest achieving schools" was in 2015 based on 2013-14 data. Thus, districts should consult with legal counsel if they have questions about their eligibility to receive a parent/guardian petition under the Parent Empowerment Act. The district must notify the Superintendent of Public Instruction and the State Board of Education when it receives such a petition and when it takes action on the petition. This option is limited to 75 schools statewide.

Whenever a school is identified for Year 3 4 PI, ~~continues to fail to make AYP, has an API of less than 800, and~~ but is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the ~~district~~ Board to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Program Evaluation

~~Note: The following optional section may be revised to reflect indicators of program effectiveness agreed upon by the Governing Board and Superintendent and/or required by the state plan for NCLB adopted pursuant to 20 USC 6311. Pursuant to 20 USC 6311, any district receiving Title I, Part A funds must prepare and disseminate an annual report card which includes specified information. As amended by P.L. 114-95, 20 USC 6311 expands the required content of the report card but no longer requires that it include annual measurable objectives, AYP, or teacher quality information. regarding student achievement on statewide academic assessments, indicators of AYP, whether the district or district schools have been identified for PI, graduation rates, and teacher qualifications. 34 CFR 200.11, as amended by 73 Fed. Reg. 210, adds a requirement that districts report the most recent available academic achievement results in grades 4 and 8 on the National Assessment of Educational Progress reading and mathematics assessments. The report cards must include the percentage of students at each achievement level, for the total student population and for each numerically significant subgroup, and participation rates for students with disabilities and English learners.~~

Rather than issuing a district-level report card, districts are allowed by 20 USC 6311 to incorporate the information into the school accountability report card required by Education Code 35256; see BP 0510 - School Accountability Report Card.

~~The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC 6316)~~

The Superintendent or designee shall develop an annual report card that includes the information specified in 20 USC 6311 for each district school and for the district as a whole. The required information may be incorporated into each school's school accountability report card. (20 USC 6311)

(cf. 0510 - School Accountability Report Card)

(cf. 6190 - Evaluation of the Instructional Program)

~~The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC 6316)~~

(cf. 4131 - Staff Development)

(cf. 6020 - Parent Involvement)

Note: 20 USC 6311 requires that the report card be accessible to the public by posting it on the district's web site or, if the district does not have its own web site, then in a manner determined by the district. A district that does not have a web site should revise the following paragraph to reflect the method it will use to disseminate the report card.

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

The report card shall be concise, presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand. It shall be made accessible to the public on the district's web site. (20 USC 6311)

(cf. 1113 - District and School Web Sites)

As necessary based on the results of ~~these~~ **this** evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

35256 School accountability report card

53200-53203 Persistently lowest achieving schools

53300-53303 Parent Empowerment Act

~~60642.5 California Standards Tests~~

~~60850-60856 High School Exit Examination~~

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

~~13075-13075.9 Supplemental educational services~~

4800-4808 Parent Empowerment petitions

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

6311 ~~Adequate yearly progress~~ **State plan; state and local educational agency report cards**

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

~~6316 School improvement~~

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

~~200.13-200.20 Adequate yearly progress~~

~~200.30-200.35 Identification of program improvement schools~~

~~200.36-200.38 Notification requirements~~

~~200.39-200.43 Requirements for program improvement, corrective action, and restructuring~~

~~200.44 School choice option~~

~~200.45-200.47 Supplemental educational services~~

~~200.48 Funding for transportation and supplemental services~~

200.49-200.51 State responsibilities

200.52-200.53 District improvement

Management Resources: (see next page)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

2008 Adequate Yearly Progress Report Information Guide, August 2008

California's Accountability Workbook

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION GUIDANCE PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Public School Choice, January 14, 2009

Supplemental Educational Services, January 14, 2009

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

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

Center USD

Board Policy

Title I Program Improvement Schools

BP 0520.2

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education.

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

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6171 - Title I Programs)

Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), the Superintendent or designee shall ensure that school improvement efforts are coordinated and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0520.1 - High Priority Schools Grant Program)

(cf. 0520.4 - Quality Education Investment Schools)

Depending on the length of time a district school has been identified for PI, the district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6179 - Supplemental Instruction)

Program Evaluation

The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC 6316)

(cf. 0510 - School Accountability Report Card)

(cf. 6190 - Evaluation of the Instructional Program)

The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC 6316)

(cf. 4131 - Staff Development)

(cf. 6020 - Parent Involvement)

As necessary based on the results of these evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

35256 School accountability report card

60642.5 California Standards Tests

60850-60856 High School Exit Examination

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

13075-13075.4 Supplemental educational services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6316 School improvement

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.39-200.43 Requirements for program improvement, corrective action, and restructuring

200.44 School choice option

200.45-200.47 Supplemental educational services

200.48 Funding for transportation and supplemental services

200.49-200.51 State responsibilities

200.52-200.53 District improvement

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008 Adequate Yearly Progress Report Information Guide, August 2008

California's Accountability Workbook

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, January 14, 2009

Supplemental Educational Services, January 14, 2009

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0520.2(a)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following administrative regulation reflects the requirements of federal and state law for Title I schools that were identified by the California Department of Education (CDE) for program improvement (PI) for failing to make "adequate yearly progress" for two or more consecutive school years. Until a new system of school support and improvement is implemented beginning in the 2017-18 school year pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), PI schools are required to implement the same interventions in the 2016-17 school year as were required in the 2015-16 school year, with specified exceptions. Districts are no longer required to offer intradistrict transfers to students in schools in Year 1 PI and beyond, to provide supplemental educational services by an approved provider in schools in Year 2 PI and beyond, or to issue certain notifications. See the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016) and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016).

Definitions

Note: 20 USC 6311 requires each state to identify measurable objectives to be included in its definition of AYP, based primarily on academic assessments but also graduation rate and, at the state's discretion, other valid and reliable indicators. Specific indicators used by the State Board of Education (SBE) to define AYP are described in the state's federally approved Accountability Workbook and are subject to change. The SBE has also defined the minimum number of students required for a report of subgroup results as either 100 students with valid test results or 50 students in those cases where the subgroup constitutes at least 15 percent of the students at the school with valid test scores.

Adequate yearly progress (AYP) refers to a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API). AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

(cf. 0500—Accountability)

(cf. 6162.51—State Academic Achievement Tests)

(cf. 6162.52—High School Exit Examination)

Program improvement (PI) school refers to a school that is receiving federal Title I funds and has failed to make AYP for each of two consecutive school years. (20 USC 6316)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Note: The following paragraph reflects state criteria for identifying schools that have failed to make AYP for two or more consecutive years. If the district does not have any schools that are too small to generate a school-level report, the district may revise the paragraph to delete language regarding the aggregation of the results of small schools into a district accountability measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) Adequate Yearly Progress Report Information Guide.~~

~~A school shall be identified for PI by the California Department of Education (CDE) whenever, for each of two consecutive years, it either does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. If a small school has too few students to generate a school-level report, its results shall be aggregated into a district accountability measure.~~

Year 1 Program Improvement

~~When any Title I school is initially identified for PI: (20 USC 6316)~~

~~Note: 20 USC 6316 allows students to transfer out of a PI school into another school, which may include a charter school, served by the district. See the section "Student Transfers" below for requirements related to such transfers. If all district schools are identified for PI, the district is required, when practicable, to develop an interdistrict transfer agreement to allow for the transfer of such students to a school outside the district. Districts whose schools are all identified for PI may revise item #1 below accordingly.~~

- ~~1. The Superintendent or designee shall provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.~~

~~(cf. 0420.4 Charter School Authorization)~~

~~(cf. 5116.1 Intradistrict Open Enrollment)~~

- ~~2. Not later than three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two-year period and address the components specified in 20 USC 6316.~~

~~(cf. 6020 Parent Involvement)~~

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

~~Note: The following paragraph is optional. Information on the CDE's web site indicates that a school could fulfill the requirement for a two-year school improvement plan by revising its Single Plan for Student Achievement, developed pursuant to Education Code 64000-64001, to reflect the requirements of 20 USC 6316.~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.~~

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

- ~~3. Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with its review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.~~
- ~~4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.~~

For any district school in its first year of program improvement (PI), the Superintendent or designee shall implement a school improvement plan that was approved by the Governing Board.

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

- ~~5. As the school develops and implements the school plan,~~

The Superintendent or designee shall ensure that the school receives technical assistance from the district, **California Department of Education (CDE)**, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in:

- ~~a.1.~~ Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan
- ~~b.2.~~ Identifying and implementing professional development, instructional strategies, and methods of instruction that are derived from scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI
- ~~c.3.~~ Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

~~(cf. 3100 - Budget)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Year 2 Program Improvement

~~For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall take all of the following actions: (20 USC 6316)~~

- ~~1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers";~~
- ~~2. Arrange for the provision of supplemental educational services (SES) to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below in the section "Supplemental Educational Services";~~
- ~~3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above~~

For any district school in its second year of PI, the Superintendent or designee shall continue to implement the school improvement plan and to provide for technical assistance in accordance with the section "Year 1 Program Improvement" above.

In addition, the Superintendent or designee shall arrange for the provision of alternative supports to eligible students from low-income families, as described below in the section "Alternative Supports."

Year 3 Program Improvement: Corrective Action

~~When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI specified above. In addition, the Board shall take one or more of the following corrective actions: (20 USC 6316)~~

After the second full school year after identification for PI, the Superintendent or designee shall continue to implement all elements of Year 1 and Year 2 PI specified above, as well as the corrective action(s) determined by the Board, which may include:

- 1. Replacing school staff relevant to the failure**

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4314 - Transfers)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

2. Implementing a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6141 - Curriculum Development and Evaluation)

3. Significantly decreasing management authority at the school level

4. Appointing an outside expert to advise the school

5. Extending the school year or school day for the school

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

6. Restructuring the internal organization of the school

Year 4 Program Improvement and Beyond: Restructuring

~~For any school that continues to fail to make AYP after one full year of corrective action in Year 4 of PI or beyond, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school implement all elements of Year 1 and Year 2 PI specified above, as well as one of the following options for alternative governance and restructuring, as determined by the Board: In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)~~

1. Reopening the school as a charter school
2. Replacing all or most of the school staff relevant to the failure
3. Entering into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turning the operation of the school over to the CDE
5. Instituting any other major restructuring of the school's governance arrangements that makes fundamental reforms

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**Alternative Supports**

Note: The following section should be revised to reflect district practice. P.L. 114-95 repealed 20 USC 6316 which had required Title I schools identified for Year 2 PI, corrective action, or restructuring to provide eligible students with supplemental educational services from an approved service provider. In accordance with the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. The following section is consistent with the CDE's transition plan. Also see BP 6179 - Supplemental Instruction,

In any school identified for Year 2 PI or beyond, eligible students from low-income families shall be offered district-selected alternative supports designed to improve their academic achievement. Alternative supports may include, but are not limited to, any of the following:

- 1. Academic support offered during school hours, before school, after school, during intercession, and/or during summer learning programs**

(cf. 5148.2 - Before/After School Programs)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

- 2. Small group instruction and/or pull-out interventions offered during the regular school day**
- 3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs**
- 4. High quality academic tutoring**
- 5. Provision of supplemental materials that support alternative support services**
- 6. Provision of a crisis, intervention, and/or academic counselor to meet with eligible students**
- 7. Services and programs that remove barriers to promote academic achievement of eligible students**

The types of alternative supports and the criteria used to identify eligible students may be included in the district's local control and accountability plan and shall be consistent and aligned with local priorities.

(cf. 0460 - Local Control and Accountability Plan)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

If the district contracts with outside entities or community partners to provide alternative supports to eligible students, the Superintendent or designee shall ensure that no electronic device or other items of value are given, retained, or used as an incentive or achievement award and that funds are expended only on direct services to eligible students.

The district shall set aside a reasonable amount of Title I, Part A funds for alternative supports. Whenever the district does not have sufficient funds to serve all eligible students, it may give priority to the lowest achieving PI schools or the lowest achieving eligible students attending a PI school. The Superintendent or designee may identify the lowest achieving eligible students based on assessment scores, grades, teacher evaluations, or another locally defined measure.

Notifications

Note: 20 USC 6316 and 34 CFR 200.37 require the following notification to parents/guardians. Templates that can be used by the district to develop the notification for any year of PI, as well as translations in many languages, are available on the CDE's web site.

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI

Note: Specific requirements for the notifications described in items #6 and 7 are addressed below in the sections "Student Transfers" and "Supplemental Educational Services," respectively. If all the district's schools are PI schools, the district may revise item #6 below to reflect interdistrict attendance agreements, if any, that the district has established with other district(s) pursuant to 20 USC 6316.

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

6. ~~An explanation of the option to transfer to another school within the district, as described below in the section "Student Transfers"~~
7. ~~If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain SES for their child as described below in the section "Supplemental Educational Services"~~

~~(cf. 5145.6 - Parental Notifications)~~

~~The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)~~

~~The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)~~

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

~~All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316; 34 CFR 200.36)~~

~~Note: 20 USC 6316 and 34 CFR 200.48 require districts to spend at least 20 percent of district Title I funds for costs related to SES, transportation for student transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 authorizes districts to spend less than 20 percent if they provide timely, accurate notifications as described above and partner with outside groups to inform students and families, as provided below. The following paragraph is optional:~~

~~To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES. (34 CFR 200.48)~~

Student Transfers

~~Note: As noted above, 20 USC 6316 requires any school in Year 1 of PI or beyond to provide all students in that school with an opportunity to transfer to another school, which may include a charter school, served by the district:~~

~~34 CFR 200.44 provides that a district subject to a desegregation plan, whether voluntary, court ordered, or required by a federal or state administrative agency, is not exempt from the requirement to allow such transfers. However, the district may take into account the requirements of the desegregation plan in determining how to provide students with the option to transfer to another school.~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Because the district is required to offer intradistrict transfers to all students in PI schools, it is recommended that the district give priority to such students in its intradistrict open enrollment policy; see BP 5116.1 Intradistrict Open Enrollment.~~

~~Pursuant to 20 USC 6316, if all district schools are identified for PI, the district is required to develop an interdistrict transfer agreement when practicable. Such districts may revise the following section accordingly:~~

~~All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another school, which may include a charter school, served by the district provided that the school: (20 USC 6316; 34 CFR 200.44)~~

~~1. Has not been identified for PI, corrective action, or restructuring~~

~~In the event that all district schools are identified for PI, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for interdistrict transfers.~~

~~(cf. 5117 Interdistrict Attendance)~~

~~Note: Districts must offer students attending a school identified as "persistently dangerous" by the CDE the opportunity to transfer to another district school. See BP/AR 5116.1 Intradistrict Open Enrollment for a definition of "persistently dangerous" and other conditions regarding this type of transfer.~~

~~2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992 11994~~

~~(cf. 0450 Comprehensive Safety Plan)~~

~~Note: U.S. Department of Education (USDOE) nonregulatory guidance (Public School Choice) clarifies that, although all students in PI schools must be given an option to transfer, 20 USC 6316 and 34 CFR 200.44 give priority to the lowest achieving students from low income families. This could mean giving these students their first choice of schools and/or first priority for transportation services if funds are limited. For these purposes, the district must determine family income on the same basis that the district uses to make Title I allocations to schools.~~

~~Among the students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)~~

~~If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Note: 34 CFR 200.44 indicates that lack of capacity is not a permissible reason to deny transfer opportunities to students. The USDOE guidance reiterates that districts must either create additional capacity or provide choices of other schools. Thus, districts must ensure that nothing in their parental notification letter or transfer application implies that choice may be limited due to a lack of capacity. When capacity is an issue, the district might consider portable classrooms, reassignment of teachers, distance learning programs, the establishment of new charter schools, or other options.

The Superintendent or designee may consider school capacity in selecting schools that will be offered as alternatives for school choice, but shall not use the lack of school capacity to deny transfer opportunities to students. The district may increase capacity in eligible district schools to accommodate all students who wish to transfer.

Note: 34 CFR 200.37 and 200.44 require that districts notify parents/guardians of their transfer option no later than 14 calendar days before the start of the school year. However, it is sometimes difficult for districts to meet this deadline because of the timing of California's assessment results and of the identification of PI schools. When necessary, the CDE will notify PI schools of an alternate date by which they must send this notification. Pursuant to 34 CFR 200.32, under no circumstances may a district wait an additional school year (until the second school year following the one in which assessments that led to the failure to make AYP were administered) before offering the transfer option to eligible students.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year or on a date otherwise determined necessary by the CDE. (34 CFR 200.37, 200.44)

Note: 34 CFR 200.37 contains requirements for the content of the notice that must be provided to parents/guardians whenever a school is identified for PI, corrective action, or restructuring, which include the content described in items #5-6 below related to school choice. The USDOE guidance describes additional requirements that the notice should contain (items #1-4 below). These requirements are incorporated into the sample parental notification available on the CDE's web site.

Notice of the transfer option shall:

1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another school, including a charter school, served by the district
2. Identify each school that the parent/guardian may select
3. Explain why the choices made available to the parents/guardians may have been limited

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Note: According to the USDOE guidance, parents/guardians do not necessarily need to be guaranteed their first choice of schools. Item #4 reflects language in the guidance that authorizes, but does not require, districts to develop a system of rank ordering preferences. See E(1) 0520.2 for a sample form that may be used for parent/guardian requests for student transfers.

4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank order their preferences of eligible schools as appropriate
5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)

Note: 34 CFR 200.37 requires that the notice explain the provision of transportation, as provided in item #6 below. According to the USDOE guidance, the notice should include a discussion of how transportation will be provided or paid for and, if the district anticipates that it will not have sufficient funds to provide transportation to all eligible students requesting a transfer, information on how the district will set priorities to determine which students will receive transportation.

6. Explain the provision of transportation to the new school (34 CFR 200.37)

Note: 34 CFR 200.37 describes additional content that may be included in the notice at the district's discretion. The following optional paragraph may be revised as desired:

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before and after school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

(cf. 4112.24 Teacher Qualifications Under the No Child Left Behind Act)
(cf. 5148.2 Before/After School Programs)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

(cf. 1100 Communication with the Public)
(cf. 1113 District and School Web Sites)
(cf. 1114 District Sponsored Social Media)

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year!

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

The district shall prominently display on its web site, in a timely manner each school year, a list of available schools to which eligible students may transfer in the current school year. The district shall also display data on the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

Note: The following optional paragraph may be revised to reflect district practice. According to the USDOE guidance, the district may set a reasonable deadline by which parents/guardians must respond to the offered school assignment, as long as parents/guardians have sufficient time and information to make an informed decision:

In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.

Note: If a student exercises the option to transfer to another school within the district, 20 USC 6316 and 34 CFR 200.44 require the district to provide or pay for the student's transportation to that school. The USDOE guidance clarifies that, if the district does not offer transportation services to its students, it will be required to reimburse parents/guardians for the costs of providing transportation or for using public transportation. This requirement is an exception to state and federal law for other types of intradistrict transfers for which the district is not obligated to provide or pay for transportation; see BP 5116.1 Intradistrict Open Enrollment.

In cases where all district schools are identified for PI and the district has developed an interdistrict transfer agreement pursuant to 20 USC 6316, the provision of transportation to transfer students must be determined by an agreement between the cooperating districts. Such districts may revise the remainder of this section accordingly.

The district shall provide, or shall pay for the provision of, transportation to the district school which the student chooses to attend. (20 USC 6316; 34 CFR 200.44)

(cf. 3540—Transportation)

Note: The USDOE guidance states that districts have flexibility to establish transportation zones based on geographic location. The following optional paragraph is based on the authority in the USDOE guidance and may be revised to reflect district practice:

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location within the district. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

(cf. 3541—Transportation Routes and Services)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Any student who transfers to another district school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)~~

Supplemental Educational Services

~~Note: As described above, 20 USC 6316 and 34 CFR 200.45 require the district to make SES available to students from low-income families whenever a school is in Year 2 of PI or beyond. For these purposes, the district must determine family income on the same basis that it uses to make Title I allocations to schools. Parents/guardians are allowed to select SES within the district or in neighboring local educational agencies from a list of entities approved by the SBE. USDOE nonregulatory guidance (Supplemental Educational Services) indicates that parents/guardians also may select a provider that is accessible through technology, such as e-learning, online, or distance learning technology.~~

~~When required by law, SES shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)~~

~~(cf. 6011—Academic Standards)
(cf. 6179—Supplemental Instruction)~~

~~Note: 20 USC 6316 and 34 CFR 200.37 address the content of the notification that must be issued when a school is required to provide SES. These requirements are incorporated into the sample parental notification letters available on the CDE's web site.~~

~~When a school is required to provide SES, the Superintendent or designee shall provide annual notice to parents/guardians that includes: (20 USC 6316; 34 CFR 200.37)~~

- ~~1. The availability of SES~~
- ~~2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies~~
- ~~3. The identity of approved providers of technology-based or distance learning services~~
- ~~4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency~~
- ~~5. The benefits of receiving SES~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Note: The USDOE guidance suggests that the notification also include procedures and timelines for selecting a provider. The following paragraph is optional:

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.

The district shall prominently display on its web site, in a timely manner each school year, a list of state approved providers serving the district in the current year and the location where services are provided. The district shall also display the number of students who were eligible for and who participated in SES, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

Note: 20 USC 6316 requires the district to spend 20 percent of its Title I funds on costs related to SES, transportation for transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 specifies that, in order to spend less than 20 percent, a district must distribute sign-up forms for SES, establish at least two enrollment windows, and make school facilities available to eligible providers, as provided below. The following three paragraphs are optional:

See E(2) for a sample service request form.

The Superintendent or designee shall distribute sign up forms for SES directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable the parents/guardians of eligible students to make informed decisions about requesting SES and selecting a provider. (34 CFR 200.48)

Note: The USDOE guidance advises that the district may establish a reasonable deadline by which parents/guardians must request services, as long they are given sufficient time and information to make an informed decision. The following paragraph may be revised to include any such deadline established by the district:

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a SES provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)~~

~~The district shall not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. (5 CCR 13075.9)~~

~~Note: A district may apply to become a SES provider as long as it meets the qualifications specified in 5 CCR 13075.1 and is approved by the SBE in accordance with the procedure described in 5 CCR 13075.2. 5 CCR 13075.5 lists conditions under which a provider's status may be terminated by the SBE. The following optional paragraph is for use by districts that have been approved as service providers:~~

~~When the district is an approved SES provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.~~

~~No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)~~

~~(cf. 9270 - Conflict of Interest)~~

~~The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate SES with any necessary accommodations or language assistance. (34 CFR 200.46)~~

~~Note: The USDOE guidance clarifies that, if SES providers are unable to provide necessary accommodations or language assistance to students with disabilities, students covered under Section 504, or students who are English learners, districts are obligated to provide or contract for such services with accommodations or language assistance, as provided below:~~

~~If no provider is able to make the services available to such students, the district shall provide the services with necessary accommodations or language assistance, either directly or through a contract. Services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan, as applicable.~~

~~If available funds are insufficient to provide SES to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)~~

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Note: The USDOE guidance notes that districts should establish fair and equitable procedures for selecting students to receive services if a particular provider does not have the capacity to serve all students who have selected that provider. The guidance encourages districts to consider allocating available spaces consistent with the priority to serve the lowest achieving eligible students. The following paragraph is optional:

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a SES provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)

1. Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.
4. Contain provisions with respect to the district making payments to the provider.

Note: USDOE correspondence dated August 10, 2007, clarifies that, although providers are prohibited from disclosing student information to third parties without consent, the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.8) does not prohibit providers from using contact information they obtain from the district to notify parents/guardians regarding their services.

5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving SES.

In developing the student learning plan as required by item #1 above, the Superintendent or designee shall consult with the parent/guardian of each student to, at a minimum, provide the parent/guardian an opportunity to express his/her views and have them considered. Consultation may include, but is not limited to, communication by telephone, email, home visits, parent/guardian meetings, and/or parent/guardian signature(s). Evidence of this consultation shall be included in the student learning plan. In the event that a consultation does not take place but the parent/guardian has selected an approved SES provider, the Superintendent or designee, or the provider acting on the district's behalf, shall show evidence of at least three separate attempts to contact the parent/guardian using at least two different means of communication. If the parent/guardian elects not to participate in the consultation, the Superintendent or designee, or approved provider acting on the district's behalf, must develop a student learning plan for the student. (5 CCR 13075.7)

TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

~~The Superintendent or designee may request, but not require, that the SES provider develop the student learning plan on behalf of the district for each student served by the provider as indicated in the agreement. In such cases, the Superintendent or designee shall make available to the provider pertinent student academic achievement data with parent/guardian permission and other technical assistance that will facilitate the development of the plan. The Superintendent or designee shall maintain responsibility to review and approve the student learning plan to ensure that it is developed in consultation with the parent/guardian and contains all required information. (5 CCR 13075.7)~~

~~Eligible SES providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)~~

~~(cf. 1330—Use of School Facilities)~~

Center USD

Administrative Regulation

Title I Program Improvement Schools

AR 0520.2

Philosophy, Goals, Objectives and Comprehensive Plans

Definitions

Adequate yearly progress (AYP) is a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API).

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Numerically significant subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

Program improvement (PI) school is a school receiving federal Title I funds that has failed to make AYP for each of two consecutive school years in the same content area (i.e., English-language arts or mathematics) schoolwide or for any numerically significant subgroup, or has failed to make AYP on the same additional indicator (i.e., API for all schools or, for high schools, graduation rate) schoolwide.

Year 1 Program Improvement

When any Title I school is identified for Year 1 PI: (20 USC 6316)

1. The Superintendent or designee shall provide students enrolled in the school the option of transferring to another district school or charter school that has not been identified for PI, as described below under "Student Transfers."

(cf. 0420.4 - Charter Schools)

2. The principal and school community shall revise the school's Single Plan for Student Achievement in accordance with 20 USC 6316, and present it for approval by the Governing Board.

(cf. 0420 - School Plans/Site Councils)

(cf. 6171 - Title I Programs)

3. Within 45 days of receiving the plan, the Board shall establish a peer review process

to assist with the review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law. (20 USC 6316)

4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan. (20 USC 6316)

5. As the school develops and implements the school plan, the Superintendent or designee shall ensure that the school receives technical assistance either from the district, the California Department of Education (CDE), an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in: (20 USC 6316)

a. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan

b. Identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI

c. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

(cf. 3100 - Budget)

Year 2 Program Improvement

For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall: (20 USC 6316)

1. Continue to provide all students enrolled in the school the option of transferring to another district school or charter school that has not been identified for PI, as described below under "Student Transfers"

2. Arrange for the provision of supplemental educational services to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below under "Supplemental Educational Services"

3. Continue to provide for technical assistance

Year 3 Program Improvement: Corrective Action

When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI. In addition, the

Board shall take at least one of the following corrective actions: (20 USC 6316)

1. Replace school staff relevant to the failure

(cf. 4113 - Assignment)

2. Implement a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Significantly decrease management authority at the school level

4. Appoint an outside expert to advise the school

5. Extend the school year or school day for the school

(cf. 6111 - School Calendar)

6. Restructure the internal organization of the school

Year 4 Program Improvement and Beyond: Restructuring

For any school that continues to fail to make AYP after one full year of corrective action, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another district school or charter school and continue to make supplemental educational services available to eligible students who remain in the school. In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)

1. Reopen the school as a charter school

2. Replace all or most of the school staff relevant to the failure

3. Enter into a contract with an entity with a demonstrated record of effectiveness to operate the school

4. Turn the operation of the school over to the CDE

5. Institute any other major restructuring of the school's governance arrangements that makes fundamental reforms

Notifications

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI
6. An explanation of the option to transfer to another district school or charter school as described below under "Student Transfers"
7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain supplemental educational services for their child as described below under "Supplemental Educational Services"

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)

All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive supplemental educational services. (34 CFR 200.48)

Student Transfers

All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another district school or charter school that: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for PI, corrective action, or restructuring

2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5116.1 - Intradistrict Open Enrollment)

Among these students, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

School capacity shall not be used to deny transfer opportunities to students. However, the Superintendent or designee may consider capacity in selecting schools that will be offered as alternatives for school choice. The Board may increase capacity in eligible district schools to accommodate all students who wish to transfer.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year. (34 CFR 200.37, 200.44)

Notice of the transfer option shall:

1. Inform parents/guardians that their child is eligible to attend another public school due to the identification of the current school as in need of improvement
2. Identify each public school or public charter school that the parent/guardian can select
3. Explain why the choices made available to the parents/guardians may have been limited
4. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)
5. Explain the provision of transportation to the new school (34 CFR 200.37)

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

(cf. 5148.2 - Before/After School Programs)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter, and a list of available schools to which eligible students may transfer in the current school year. (34 CFR 200.39)

The Superintendent or designee may establish reasonable timelines for parents/guardians to indicate their intent to transfer their child and for the district to notify parents/guardians of the school assignment.

The Superintendent or designee may require parents/guardians to rank-order their preferences from among schools that are eligible to receive transfer students. Parents/guardians may decline their assigned school and remain in their school of origin.

The district shall provide, or shall pay for the provision of, transportation for the student to the public school that student chooses to attend. (20 USC 6316; 34 CFR 200.44)

(cf. 3540 - Transportation)

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

Any student who transfers to another school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)

In the event that all district schools are identified for PI, corrective action, or restructuring, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for an interdistrict transfer. (20 USC 6316; 34 CFR 200.44)

(cf. 5117 - Interdistrict Attendance)

Supplemental Educational Services

When required by law, supplemental educational services shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)

(cf. 6011 - Academic Standards)

(cf. 6179 - Supplemental Instruction)

When a school is required to provide supplemental educational services, the Superintendent or designee shall annually notify parents/guardians of: (20 USC 6316; 34 CFR 200.37)

1. The availability of supplemental educational services
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies
3. The identity of approved providers of technology-based or distance learning supplemental educational services
4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency
5. The benefits of receiving supplemental educational services

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)

To ensure that parents/guardians have current information, the district shall prominently display on its web site, in a timely manner each school year, the number of students who

were eligible for and who participated in supplemental educational services, beginning with data from the 2007-08 school year and each subsequent year thereafter, a list of state-approved providers serving the district in the current year, and the location where services are provided. (34 CFR 200.39)

The Superintendent or designee shall distribute sign-up forms for supplemental educational services directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable parents/guardians of eligible students to make informed decisions about requesting supplemental educational services and selecting a provider. (34 CFR 200.48)

Eligible supplemental services providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)

(cf. 1330 - Use of School Facilities)

Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a service provider from among those approved by the SBE.

Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)

When the district is an approved service provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate supplemental educational services with any necessary accommodations or language assistance. (34 CFR 200.46)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

(cf. 6174 - Education for English Language Learners)

If no provider is able to make the services available to such students, the district shall provide these services with necessary accommodations or language assistance, either directly or through a contract. Supplemental educational services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan.

If available funds are insufficient to provide supplemental educational services to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)

1. Require the district to develop, in consultation with the parents/guardians and the provider, a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the statement shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.

4. Contain provisions with respect to the district making payments to the provider.
5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving supplemental educational services.

(cf. 5125.1 - Release of Directory Information)

Delete

Center USD

Exhibit

Title I Program Improvement Schools

E 0520.2 (1)

Philosophy, Goals, Objectives and Comprehensive Plans

PARENT/GUARDIAN TRANSFER REQUEST BASED ON SCHOOL'S PROGRAM IMPROVEMENT STATUS

Instructions: To request a transfer for your child out of a school that has been identified for [program improvement, corrective action or restructuring], please complete the following form and return it by [date] to [the district office or to the principal at your child's school]. You will be notified by [date] regarding your child's school assignment for the next school year and your options if you decide to decline the school assignment at that time.

Child's Name: _____

Parent/Guardian's Name: _____ Signature: _____

School Child Currently Attends: _____

Please write numbers in the boxes below to rank your top [number] choices of available schools:

[] _____ [school name] _____
[] _____ [school name] _____
[] _____ [school name] _____

If you have any questions, please contact the [district office or principal] at [phone number].

Delete

E 0520.2 (2)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

PARENT/GUARDIAN SELECTION OF SUPPLEMENTAL EDUCATIONAL SERVICES

Instructions: To select supplemental educational services for your child, please complete the following form and mail, fax, or deliver it to the principal of your child's school or to the district office by [date].

Student's Name: _____ School: _____

Parent/Guardian's Name: _____ Signature: _____

Please write numbers in the boxes below to indicate your top [number] choices of service providers:

[]	_____	[name of service provider]	_____
[]	_____	[name of service provider]	_____
[]	_____	[name of service provider]	_____
[]	_____	[name of service provider]	_____

Once a service provider has been determined for your child, the district will enter into a formal contract with the provider in accordance with law.

If you have any questions or need assistance selecting a provider, please contact [name] at [phone number].

CSBA Sample

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.3(a)

TITLE I PROGRAM IMPROVEMENT DISTRICTS

Note: The following optional policy is for use by districts that receive federal Title I funds and have been identified for districtwide program improvement (PI) by the California Department of Education (CDE) for failure to make "adequate yearly progress" for two or more consecutive years. Pursuant to the No Child Left Behind Act of 2001 (20 USC 6316), districts receiving Title I funds are identified for "program improvement" (PI) if they fail to make "adequate yearly progress" (AYP), as defined by the State Board of Education (SBE), for two or more consecutive school years. According to the criteria, a district is identified for PI if, for each of two consecutive years, it either (1) does not make AYP in the same content area (English language arts or mathematics) and does not meet annual measurable objectives in the same content area in each grade span (grades 2-5, 6-8, and 10), or (2) does not make AYP on the same indicator (Academic Performance Index or graduation rate) districtwide. Certain districts may be exempt for one year based on "safe harbor" criteria developed by the SBE. If the district believes that the identification is in error, it may appeal to the California Department of Education (CDE).

As amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), 20 USC 6311 provides for a new system of support and improvement activities for Title I schools and districts beginning in the 2017-18 school year. Until the new system is in place, the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) requires that districts previously identified for PI must continue to implement their improvement plans and fulfill the requirements described in this policy.

See BP/AR 0520.2 - Title I Program Improvement Schools for requirements pertaining to individual schools identified for PI or for single school districts.

The Governing Board desires to continuously improve educational programs and district operations to enable all students to achieve proficiency. The Superintendent or designee shall ensure the implementation and coordination of all district improvement plans and shall annually review and analyze report to the Board regarding the district's performance in making adequate yearly progress (AYP) toward student achievement standards in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6011 - Academic Standards)

(cf. 6162.51 - State Academic Achievement Tests)

Early Warning Program

Note: Education Code 52055.57 establishes the voluntary Early Warning Program described below, which is applicable to districts at risk of being identified for PI within two years.

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

~~In the event that the district is provided notice by the California Department of Education (CDE) that it is in danger of being identified for program improvement (PI) within two years under the federal No Child Left Behind Act, the Board shall determine whether to participate in the voluntary Early Warning Program. If the Board elects to have the district participate in the program, the district shall conduct a voluntary self-assessment using research-based criteria provided by the CDE and may revise its Title I local educational agency (LEA) plan based on the results of that assessment. (Education Code 52055.57)~~

Year 1-2 PI: Revision and Implementation of LEA Plan

~~Note: 20 USC 6316 and Education Code 52055.57 establish requirements for districts that are identified as PI districts. See the accompanying administrative regulation for related requirements.~~

~~In the event that the district is identified for PI by the CDE, the Superintendent or designee shall, in accordance with law and administrative regulation, notify parents/guardians, administer a district self-assessment process, and revise the LEA plan. (20 USC 6316; Education Code 52055.57)~~

The district shall implement all actions required for Title I program improvement (PI) as required by law and the California Department of Education (CDE).

Note: Education Code 52055.57 requires districts in **Year 1 of PI** to conduct a self-assessment using materials and criteria provided by the CDE. Among the tools required by the CDE is the District Assistance Survey, which assesses how the district supports its schools in the areas of standards-based curriculum, instruction, and assessment; professional development; human resources; data systems, data analysis, and ongoing monitoring; parent and community involvement; fiscal operations; and governance and leadership. PI districts are also required to complete the English Learner Subgroup Self Assessment and ~~Least Restrictive Environment Self Assessment~~ **the Inventory of Services and Supports for Students with Disabilities** to analyze the needs of English learners and students with disabilities. **The CDE's Academic Program Survey may be used to provide school-level information on the extent to which the school is providing a coherent instructional program to support student achievement. These tools are available on the CDE's web site.**

The development of district improvement strategies shall be based upon the results of a self-assessment conducted with state program assessment tools that identify specific problems contributing to low student achievement.

Each year that the district is in PI status, it shall:

Note: **Requirements for districts in any year of PI include review and revision of the district's Title I local educational agency (LEA) plan.** The CDE recommends that districts develop an addendum to the LEA plan rather than revising the entire plan and has developed a template for this purpose, **available on the CDE's web site; see the accompanying administrative regulation.** The template indicates that the addendum must be approved by the Governing Board and sent to the CDE.

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

According to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the separate LEA plan will be transitioned out at the end of the 2016-17 school year and, beginning in the 2017-18 school year, state and federal planning requirements will need to be met through the district's local control and accountability plan and the consolidated application reporting system.

1. **Review the Title I local educational agency (LEA) plan and, as needed, revise the plan. Revisions may be made in an addendum to the existing plan. The revised LEA plan or plan addendum shall be approved by the Board and electronically submitted to the CDE.**

(cf. 6171 - Title I Programs)

2. **Reserve and spend at least 10 percent of its Title I, Part A allocation to provide high-quality professional development for instructional staff**

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

Year 3 PI: Corrective Action

Note: Districts in Year 3 of PI or beyond are subject to corrective actions as recommended by the Superintendent of Public Instruction and approved by the State Board of Education (SBE). Pursuant to Education Code 52055.57, the SBE must choose at least one of the following sanctions: (1) replacement of district staff who are relevant to the district's inability to make adequate progress; (2) removal of individual schools from the district's jurisdiction; (3) appointment of a trustee to administer the district; (4) abolishment or restructuring of the district; (5) implementation of a new curriculum based on state content and achievement standards, including provision of research-based professional development for all relevant staff; (6) deferment of programmatic funds or reduction of administrative funds; and (7) in conjunction with any of items #1-6, authorization for students to transfer to a higher performing school in another district and to be provided transportation. In addition, the SBE may require the district to contract with a district assistance and intervention team.

~~If the district does not make AYP after two years of receiving program funding,~~ In addition, during Year 3 of PI or beyond, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) in the identification and implementation of appropriate corrective actions. As applicable, the district shall implement the recommendations of the district assistance and intervention team (DAIT) that has been assigned to assist the district pursuant to Education Code 52055.57.

The Superintendent or designee shall submit to the CDE an annual report regarding the district's evidence of progress, including a summary description of the district's progress toward implementing the strategies in the LEA plan, an analysis of the district's progress toward student achievement goals in the LEA plan based on state or local assessment data, and documentation that the Board has been notified of the report.

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

~~If the SBE takes any corrective action other than, or in addition to, the appointment of a DAIT, the Superintendent or designee shall~~ **In the event that the district is required to appear before the SBE within Year 3 of PI to review the district's progress, the Superintendent or designee, the DAIT, and/or the County Superintendent of Schools shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)**

Note: Pursuant to Education Code 52055.57, one of the possible state actions is to require the district to contract with a district assistance and intervention team (DAIT) with the duties specified in Education Code 52059. As amended by AB 519 (Ch. 757, Statutes of 2008), Education Code 52059 requires the district to reserve funding from its program grant to cover the entire cost of the team before using that funding for other reform activities. Education Code 52059, as amended, also requires the DAIT to complete a needs assessment and a report of recommendations not later than 120 days after being assigned to the district or by the next regularly scheduled SBE meeting after the expiration of the 120 days.

~~The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT:~~ **(Education Code 52055.57, 52059)**

- ~~1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.~~
- ~~2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.~~

Note: The CDE's Blueprint for District Assistance and Intervention provides information about the DAIT process, including the role of DAIT team members and the district's leadership team.

~~The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.~~

~~The Board and the Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.~~

TITLE I PROGRAM IMPROVEMENT DISTRICTS (continued)

Legal Reference:

EDUCATION CODE

52055.57-52055.59 Districts identified or at risk of identification for program improvement

52059 Statewide system of school support

UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 ~~Adequate yearly progress State plan~~

6312 Local educational agency plan

~~6316 School and district improvement~~

6321 Fiscal responsibilities

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.13-200.20 Adequate yearly progress~~

~~200.30-200.35 Identification of program improvement schools~~

~~200.36-200.38 Notification requirements~~

~~200.52-200.53 District improvement~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016~~

~~Local Educational Agency Program Improvement Plan Addendum Template, rev. April 2016~~

~~Blueprint for District Assistance and Intervention, 2008~~

~~2007 Adequate Yearly Progress Report Information Guide, August 2007~~

~~A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006~~

U.S. DEPARTMENT OF EDUCATION GUIDANCE

~~LEA and School Improvement Non-Regulatory Guidance, rev. July 21, 2006~~

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, ~~No Child Left Behind~~: ~~<http://www.nclb.gov>~~ ~~<http://www.ed.gov>~~

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Center USD

Board Policy

Title I Program Improvement Districts

BP 0520.3

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board shall annually review and analyze the district's performance in making adequate yearly progress (AYP) toward student achievement standards, in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.

(cf. 0500 - Accountability)

(cf. 6011 - Academic Standards)

(cf. 6162.51 - Standardized Testing and Reporting Program)

Early Warning Program

In the event that the district is provided notice by the California Department of Education (CDE) that it is in danger of being identified for program improvement (PI) within two years under the federal No Child Left Behind Act, the Board shall determine whether to participate in the voluntary Early Warning Program. If the Board elects to have the district participate in the program, the district shall conduct a voluntary self-assessment using research-based criteria provided by the CDE and may revise its Title I local educational agency (LEA) plan based on the results of that assessment. (Education Code 52055.57)

(cf. 6171 - Title I Programs)

Year 1-2 PI: Revision and Implementation of LEA Plan

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

The revised LEA plan or plan addendum shall be approved by the Board and submitted to the CDE. The Superintendent or designee shall regularly report to the Board regarding the implementation of the plan during Years 1 and 2 of the program.

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

(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)

Year 3 PI: Corrective Action

If the district does not make AYP after two years of receiving program funding, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the SBE in the identification and implementation of appropriate corrective actions.

The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT: (Education Code 52055.57, 52059)

1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.
2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.

The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high-priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.

The Board and the Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.

Legal Reference:

EDUCATION CODE

52055.57-52055.59 Districts identified or at risk of identification for program improvement

52059 Statewide system of school support

UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6316 School and district improvement

6321 Fiscal responsibilities

CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.52-200.53 District improvement

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Blueprint for District Assistance and Intervention, 2008

2007 Adequate Yearly Progress Report Information Guide, August 2007

A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006

U.S. DEPARTMENT OF EDUCATION GUIDANCE

LEA and School Improvement Non-Regulatory Guidance, rev. July 21, 2006

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

Delete

Center USD

Administrative Regulation

Title I Program Improvement Districts

AR 0520.3

Philosophy, Goals, Objectives and Comprehensive Plans

Year 1-2 Program Improvement (PI): Revision and Implementation of LEA Plan

Whenever the district is notified that it has been identified for PI under the federal No Child Left Behind Act, the district shall complete all of the following actions:

1. Promptly notify parents/guardians of each district student regarding the district's PI status, the reasons for the identification, and how parents/guardians can participate in upgrading the quality of the district's programs. The notification shall be in a format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

(cf. 5145.6 - Parental Notifications)

2. Conduct a self-assessment using materials and criteria based on current research and provided by the California Department of Education. (Education Code 52055.57)

3. Contingent upon state funding, contract with a county office of education or another external entity, no later than 90 days after the district is identified for PI and after working with the County Superintendent of Schools, for both of the following purposes: (Education Code 52055.57)

a. Verifying the fundamental teaching and learning needs in district schools as determined by the self-assessment and identifying the specific academic problems of low-achieving students, including a determination as to why the prior Title I local educational agency (LEA) plan failed to increase student academic achievement

b. Ensuring that the district receives intensive support and expertise to implement reform initiatives in the LEA plan

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

4. Within three months after the district's identification for PI, develop or revise the LEA plan in consultation with parents/guardians, school staff, and others. This plan shall reflect the findings of the self-assessment and shall: (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)

a. Incorporate scientifically based research strategies that will strengthen the core academic program in district schools

b. Identify actions that have the greatest likelihood of improving student achievement in

meeting the state's academic achievement standards

c. Address the professional development needs of the instructional staff by committing to spending at least 10 percent of the district's allocation of Title I, Part A, funds for professional development

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

d. Include specific measurable achievement goals and targets for each of the student subgroups identified pursuant to 20 USC 6311, especially those that did not make adequate yearly progress (AYP)

e. Address the fundamental teaching and learning needs in the district's schools and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring about increased student academic achievement

f. Incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year

(cf. 5148.2 - Before/After School Programs)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

g. Specify the responsibilities of the district and the state under the plan, including the district's fiscal responsibilities under 20 USC 6321 and the technical assistance to be provided by the state

h. Include strategies to promote effective parent/guardian involvement in district schools

(cf. 6020 - Parent Involvement)

5. Contingent upon state funding, after working with the County Superintendent or an external verifier, contract with an external provider to provide support and implement recommendations to assist the district in resolving shortcomings identified in the verified self-assessment (Education Code 52055.57)

6. Implement the LEA plan expeditiously, but not later than the beginning of the next school year after the school year in which the district administered the assessments that resulted in its PI identification (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)

The district shall exit PI status when it makes AYP for two consecutive years. (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)

Year 3 PI: Corrective Action

If the district fails to make AYP by the end of the second year in PI, it shall be subject to corrective actions determined by the State Board of Education (SBE). (20 USC 6316; 34

CFR 200.53; Education Code 52055.57)

If the SBE takes any corrective action other than, or in addition to, the appointment of a district assistance and intervention team (DAIT), the Superintendent or designee shall appear before the SBE within Year 3 of PI to review the district's progress. The Superintendent or designee, the DAIT, and/or the County Superintendent shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)

CSBA Sample

Board Policy

Community Relations

BP 1230(a)

SCHOOL-CONNECTED ORGANIZATIONS

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

For purposes of this Board policy, the term "school-connected organization" includes booster clubs, parent-teacher associations aligned with the California State PTA, or other parent-teacher organizations. These organizations generally raise ~~money-funds~~ for classroom activities or activities at specific schools. For ~~policy language about a district's relationship with a foundation regarding educational foundations~~, see BP 1260 - Educational Foundation. For policy regarding associated student body organizations, see BP 3452 - Student Activity Funds.

~~Generally, the funds raised by school-connected organizations benefit a single school.~~ In some districts, there may be legal or equity concerns that result from the benefit provided to a particular school while other schools in the district do not receive the benefit from the additional resources. For example, pursuant to state and federal law (Education Code 200-262.4; 5 CCR 4900-4965; 20 USC 1681-1688), the Governing Board is responsible for ensuring that the district's athletic program provides equivalent opportunities for both males and females. Booster club activities must be included in the district's analysis of the equivalent opportunities provided by each school. See BP/AR 6145.2 - Athletic Competition. Because school-connected organizations are generally separate legal entities, if a concern arises regarding the equitable distribution of funds, the Superintendent or designee should consult with the leadership of such organizations and district legal counsel. For language regarding acceptance of gifts and grants, see BP 3290 - Gifts, Grants, and Bequests.

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting **the district's educational** and extracurricular programs, ~~such as athletic teams, debate teams, or musical groups~~. The Board appreciates the contributions made by such organizations and ~~encourages their interest and participation in supporting district activities and helping to achieve the district's toward the Board's vision for student learning and for providing all district students with high-quality educational opportunities.~~

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

Note: The following optional paragraph may be revised to reflect district practice. See the accompanying administrative regulation for details regarding the types of information that the district might require to be included in a school-connected organization's request to operate within the district or school.

Persons proposing to establish a school-connected organization shall submit a request to the Board for authorization to operate **within the district or at the-a district school.**

Note: Generally, booster and parent clubs are separate legal entities from the district and thus are not under the control or the responsibility of district personnel. **The district should consult legal counsel if it has any questions about its appropriate relationship with school-connected organizations.**

SCHOOL-CONNECTED ORGANIZATIONS (continued)

Certain tax-exempt organizations may be required to register with the state Attorney General's Registry of Charitable Trusts. As part of this registration, the organization may also be required to file copies of the organization's articles of incorporation and other documents governing its operations.

~~The Board recognizes that school-connected organizations are separate legal entities, independent of the district. A school-connected organization, including a booster club, parent-teacher association or organization, or other organization that does not include an associated student body or other student organization, shall be established and maintained as a separate entity from the school or district. Each school-connected organization shall be subject to its own bylaws and operational procedures or to the rules or bylaws of its affiliated state or national organization, as applicable.~~

Note: School-connected organizations are required to comply with law. For example, pursuant to ~~Education Code 51520~~, food sales by outside organizations may must not compete with the district's school nutrition program and must comply with the state and/or federal nutritional standards specified in (Education Code 49431-49431.2 49431.7; 5 CCR 15500-15501, 15575-15578; 7 CFR 210.11, 220.12). See BP/AR 3554 - Other Food Sales.

~~The Board encourages school-connected organizations to consider the impact of fund-raising activities on the overall school and district program. In addition, activities by school-connected organizations shall not conflict be conducted in accordance with law, Board policies, administrative regulations, or and any rules of the sponsoring school.~~

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

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Note: The following optional paragraph may be revised to reflect district practice. The Fiscal Crisis and Management Assistance Team (FCMAT), in its 2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference, suggests rules governing the relationship between the district and booster clubs and other school-connected organizations. For examples of such rules, see the accompanying administrative regulation.

~~In addition,~~ The Superintendent or designee shall establish appropriate ~~internal controls~~ rules for the relationship between school-connected organizations and the district.

Note: Education Code 51521 requires that any fundraising activity ~~by a school-connected organization, designed to raise money to benefit a school or its students receive approval from the Board or the Board's designee. The following paragraph delegates this authority to the Superintendent or designee and may be revised to reflect district practice.~~

~~However, in order to help the Board fulfill its legal and fiduciary responsibility to manage~~

SCHOOL-CONNECTED ORGANIZATIONS (continued)

~~district operations, any school-connected organization that desires to raise money to benefit any district students shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation.~~ **A school-connected organization shall obtain the written approval of the Superintendent or designee prior to soliciting funds upon the representation that the funds will be used wholly or in part for the benefit of a district school or the students at that school. (Education Code 51521)**

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

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

A school-connected organization may consult with the principal to determine school needs and priorities.

Note: Pursuant to Education Code 49011, the district is permitted to solicit voluntary donations, participate in fundraising activities, or provide prizes or other recognition for participants in fundraising activities. However, the district must not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student. See BP 3260 - Fees and Charges.

Any participation in fundraising activities by students and their parents/guardians and/or any donation of funds or property shall be voluntary. (Education Code 49011)

(cf. 3260 - Fees and Charges)

Legal Reference: (see next page)

SCHOOL-CONNECTED ORGANIZATIONS (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex
35160 Authority of governing boards
38130-38138 Civic Center Act, use of school property for public purposes
48931 Authorization for sale of food by student organization
48932 Authorization for fund-raising activities by student organization
49011 Student fees
49431 Sale of food to elementary students during the school day
49431.2 Sale of food to middle, junior, or high school students
49431.5 Sale of beverages at elementary, middle, or junior high schools
49431-49431.7 Nutritional standards
51520 Prohibited solicitation on school premises
51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs
15500 Food sales in elementary schools
15501 Food sales in high schools and junior high schools

15575-15578 Requirements for foods and beverages outside the federal meals program

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 7

210.11 Competitive food services

220.12 Competitive food services

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4.89

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference

WEB SITES

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

California Office of the Attorney General, charitable trust registry: <http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

Fiscal Crisis and Management Assistance Team (FCMAT); <http://www.fcmat.org>

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Center USD

Board Policy

School-Connected Organizations

BP 1230

Community Relations

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting district and extracurricular programs, such as athletic teams, debate teams, or musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities and helping to achieve the district's vision for student learning.

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

The Board recognizes that school-connected organizations are separate legal entities, independent of the district. However, in order to help the Board fulfill its legal and fiduciary responsibility to manage district operations, any school-connected organization that desires to raise money to benefit any district student shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation. In addition, the Superintendent or designee shall establish appropriate internal controls for the relationship between school-connected organizations and the district.

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

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

The Board encourages school-connected organizations to consider the impact of fund-raising activities on the overall school and district program. School-connected organizations may consult with the principal to determine school needs and priorities. Activities by school-connected organizations shall not conflict with law, Board policies, administrative regulations, or any rules of the sponsoring school.

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35160 Authority of governing boards

38130-38138 Civic Center Act, use of school property for public purposes
48931 Authorization for sale of food by student organization
48932 Authorization for fund-raising activities by student organization
49431 Sale of food to elementary students during the school day
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49431.5 Sale of beverages at elementary, middle, or junior high schools
51520 Prohibited solicitation on school premises
51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

15500 Food sales in elementary schools

15501 Food sales in high schools and junior high schools

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES

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

California Office of the Attorney General, charitable trust registry:
<http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

Policy

adopted: October 17, 2007

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample

Administrative Regulation

Community Relations

AR 1230(a)

SCHOOL-CONNECTED ORGANIZATIONS

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

Although school-connected organizations are generally separate legal entities and in some cases may be subject to the financial policies and bylaws of a state or national organization, districts have the authority to approve the ability of a school-connected organization to operate within the district or a district school. ~~Items #1-10 below are based on internal control procedures for booster clubs, foundations, and other parent-teacher associations developed by The Fiscal Crisis and Management Assistance Team (FCMAT), in its 2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference, recommends that persons be required to complete an application, containing at least the information reflected in items #1-10 below, in order to form a school-connected organization. A sample application form is available in the FCMAT manual. However, districts may consider establishing different procedures for different types of entities depending on an entity's fiscal controls and organizational structure. For example, local units of the PTA that are chartered by the state PTA are subject to the internal financial policies and bylaws of the statewide PTA; therefore a different level of district oversight may be sufficient.~~

~~Persons proposing to establish a school-connected organization shall submit a request to the Governing Board for authorization to operate at the school. The A school-connected organization's request for authorization to operate within the district or at a district school shall contain, as appropriate:~~

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination

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

4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records ~~at any time~~, either by district personnel or a certified public accountant, **whenever any concern is raised regarding the use of the funds**
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school

SCHOOL-CONNECTED ORGANIZATIONS (continued)

9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future

Note: Education Code 38134 requires school-connected organizations to insure against any liability resulting from the organization's negligence during an organization-sponsored event on school facilities. See BP/AR 1330 - Use of School Facilities.

10. An agreement to provide evidence of liability **and/or directors and officers** insurance **as when and in the manner** required by law

(cf. 1330 - Use of School Facilities)

Note: The following optional paragraph requires an organization to request renewal of the authorization from the Superintendent or designee on an annual basis. Districts that allow for an automatic renewal or that require approval from the Governing Board should modify the following paragraph accordingly.

Requests for subsequent authorization shall be **presented annually submitted** to the Superintendent or designee **annually**, along with a financial statement showing all income and expenditures from fundraisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/her recommendation to the **Governing Board** for approval.

When deemed necessary by the Board or the Superintendent or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time.

Note: ~~The following paragraph should be modified to reflect district practice. Items #1-5 below reflect recommendations in FCMAT's 2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference and may be revised to reflect district practice.~~

~~Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.~~

Each school-connected organization shall abide by the following rules:

1. **The organization shall not act as an agent of the district or school.**
2. **The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.**
3. **The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.**

SCHOOL-CONNECTED ORGANIZATIONS (continued)

- 4. Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds.**
- 5. ~~The school-connected organizations are prohibited from hiring~~ shall not hire or directly paying any district employees. ~~Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board.~~ If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.**

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

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Center USD

Administrative Regulation

School-Connected Organizations

AR 1230

Community Relations

Persons proposing to establish a school-connected organization shall submit a request to the Governing Board for authorization to operate at the school. The request for authorization shall contain:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records at any time, either by district personnel or a certified public accountant
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. An agreement to provide evidence of liability insurance as required by law

(cf. 1330 - Use of School Facilities)

Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.

School-connected organizations are prohibited from hiring or directly paying district employees. Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Regulation
approved: October 17, 2007

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Policy

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Pursuant to 5 CCR 4610, districts are required to adopt a uniform system of procedures that meets specified requirements for investigating and resolving complaints alleging (1) noncompliance with state and federal laws and regulations governing educational programs; (2) noncompliance with state law prohibiting the charging of student fees; or (3) unlawful discrimination (such as discriminatory harassment, intimidation, and bullying). Although some bullying incidents may not fall within the provisions of 5 CCR 4610, BP 5131.2 - Bullying strongly recommends that districts use the UCP to investigate all bullying incidents, regardless of whether there is an allegation of discriminatory bullying, to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of his/her actual or perceived membership in a legally protected class. After investigation, bullying incidents found to involve unlawful discrimination would then be resolved using the UCP. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with the accompanying administrative regulation.

Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan. For plan requirements, see BP/AR 0460 - Local Control and Accountability Plan. In addition, legislation enacted in 2015 authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified in items #3 and #6-9 below. Finally, a district should adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging retaliation in response to a complaint.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1, and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title II of the Americans with Disabilities Act (20 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such procedures to be "prompt and equitable." The factors OCR examines to evaluate each district's procedures are specified in the accompanying administrative regulation, including whether and how the procedures (1) provide notice of the procedures to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

UNIFORM COMPLAINT PROCEDURES (continued)

CSBA staff **received feedback and comments from** ~~met with~~ representatives of CDE and OCR ~~to discuss~~ **regarding** this policy and the accompanying administrative regulation. As a result, the sample policy and regulation have been drafted to go beyond the requirements of California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on the samples, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages ~~the~~ **early, informal** resolution of complaints whenever possible ~~and appropriate~~. To resolve complaints which ~~cannot be resolved through such informal~~ **may require a more formal** process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, ~~consolidated categorical aid programs, after school education and safety programs,~~ migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, ~~and~~ special education programs, **consolidated categorical aid programs, and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)**

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any **student, employee, or other person participating** in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit

UNIFORM COMPLAINT PROCEDURES (continued)

from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, **pregnancy**, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. ~~4030 - Nondiscrimination in Employment~~)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Note: Pursuant to Education Code 222, as added by AB 302 (Ch. 690, Statutes of 2015), a district is required to provide specified accommodations to lactating students on campus, and a complaint may be filed using the UCP when any such student is denied such accommodations.

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

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

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

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

Note: Item #5 below is mandated pursuant to Education Code 52075.

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

Note: Item #6 below permits the use of the UCP for resolving complaints of district noncompliance with law related to specified educational rights of a foster youth pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). For details of the educational rights of foster youth, see BP/AR 6173.1 - Education for Foster Youth.

UNIFORM COMPLAINT PROCEDURES (continued)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

Note: Item #7 below permits the use of the UCP for resolving complaints of district noncompliance with law related to specified educational rights of a homeless student pursuant to Education Code 51225.1-51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). For details of the educational rights of homeless students, see BP/AR 6173 - Education for Homeless Children.

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

Note: Item #8 below is for districts that serve grades 9-12 students. Pursuant to Education Code 51228.1 and 51228.2, as added by AB 1012 (Ch. 703, Statutes of 2015) and as specified below, a UCP complaint may be filed against a district that assigns a student to a course with no educational content for more than one week in any semester or to a course which the student has previously completed, unless the district meets specified conditions. For more information, see BP 6152 - Class Assignment.

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

Note: Item #9 below is for districts maintaining elementary schools. Pursuant to Education Code 51223, as amended by AB 1391 (Ch. 706, Statutes of 2015), the UCP may be used to file a complaint when an elementary school has not complied with the requirement to offer 200 minutes of physical education instruction each 10 school days. For details of this requirement, see BP/AR 6142.7 - Physical Education and Activity.

UNIFORM COMPLAINT PROCEDURES (continued)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

Note: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #10 below.

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

Note: Pursuant to 5 CCR 4610, a district may, at its discretion, use the UCP to investigate and resolve other complaints.

11. Any other complaint as specified in a district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

Note: The following paragraph is mandated pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

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

UNIFORM COMPLAINT PROCEDURES (continued)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is ever investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints **in accordance with applicable law and district policy.** ~~All such records shall be destroyed in accordance with applicable state law and district policy.~~

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to the UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints. For procedures related to complaints of discrimination in employment, see AR 4030 - Nondiscrimination in Employment.

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

UNIFORM COMPLAINT PROCEDURES (continued)

4. Any complaint alleging fraud shall be referred to the California Department of Education.

Note: Education Code 35186 requires the district to use the UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, the CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
49490-49590 Child nutrition programs
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I basic programs
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs

Legal Reference continued: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20 (continued)

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

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Center USD

Board Policy

Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

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

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

5. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
6. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

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

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
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49060-49079 Student records
49490-49590 Child nutrition programs
52060-52077 Local control and accountability plan, especially
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I basic programs
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

CSBA Sample

Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4687. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP).

Furthermore, 34 CFR 106.8 mandates that districts that receive federal financial assistance adopt procedures for the "prompt and equitable" resolution of complaints of discrimination based on sex. However, the U.S. Department of Education's Office for Civil Rights (OCR) expects districts to adopt similar procedures for the investigation and resolution of any complaint of unlawful discrimination based on any protected status, not just sex. Factors considered by OCR when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation. Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt such policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state legislation enacted in 2015 authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content, and physical education instructional minutes, as specified in items #3 and #6-9 of the accompanying Board policy.

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 mandates requires the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the "lead compliance officer."

UNIFORM COMPLAINT PROCEDURES (continued)

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding **unlawful sex discrimination (such as discriminatory harassment, intimidation, or bullying)**. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant **and respondent, if applicable**, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against ~~or implicating~~ a compliance officer **or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall** ~~may be~~ filed with the Superintendent or designee **who shall determine how the complaint will be investigated.**

Note: 5 CCR 4621 mandates that the district's policy provide that employees responsible for compliance and/or for investigating and resolving complaints are knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. They must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable

UNIFORM COMPLAINT PROCEDURES (continued)

processes for investigating and resolving complaints, including those ~~involving alleged~~ **alleging** unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, ~~if possible~~, one or more interim measures. The interim measures ~~may~~ **shall** remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

Note: 5 CCR 4622 mandates the district to include specified information in the required annual notice of its UCP to students, parents/guardians, employees, and others. Pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015), the district is required to include information about specified educational rights of foster youth and homeless students in its annual UCP notification.

During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below. A sample of the annual notice is available through the CDE web site. In addition, 28 CFR 35.107, 34 CFR 106.8, and 34 CFR 110.25 require the district to publish its complaint procedures covering unlawful discrimination.

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

Note: The following optional paragraph may be modified to reflect district practice. In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Note: During the FPM process, CDE staff will check the notice to ensure that it contains a summary of the complaint procedures as specified in items #1-4 below.

UNIFORM COMPLAINT PROCEDURES (continued)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.**
 - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.**

UNIFORM COMPLAINT PROCEDURES (continued)

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- f.** A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

Note: Education Code 52075 requires that information regarding LCAP requirements be included in the district's annual notification. See BP/AR 0460 - Local Control and Accountability Plan for details of the LCAP and specific requirements for its adoption and implementation.

- g.** The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

Note: Items ~~#4f and g~~ **#4h and i** below reflect Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015). Pursuant to Education Code 48853.5, as amended, the CDE is required to develop a standardized notice of the rights of foster youth in consultation with the California Foster Youth Education Task Force, and to make it available for dissemination by posting it on its Internet Web site.

- h.** A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

- i.** A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:

- (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
- (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

UNIFORM COMPLAINT PROCEDURES (continued)

- (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

Note: Pursuant to federal law, including 34 CFR 106.8, the district is required to establish "prompt and equitable" procedures for investigating and resolving complaints alleging unlawful discrimination. The following statement reflects OCR's interpretation of such provisions as requiring fairness and equity not just for a complainant but for a respondent as well.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

- k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

Note: To ensure that the public is made aware of districts' obligation to provide copies of the UCP free of charge pursuant to 5 CCR 4622, CDE staff review the notice during the FPM process.

- l. Copies of the district's UCP are available free of charge.

District Responsibilities

Note: 5 CCR 4631 requires that UCP complaints be investigated and completely resolved within 60 calendar days of the receipt of the complaint. Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to the CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

Note: The following paragraph reflects recommendation by OCR to ensure equity in the resolution process of a complaint alleging unlawful discrimination and may be modified to reflect district practice.

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

Note: Complaints filed under the UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, he/she must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. **Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

All eComplaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

Note: Education Code 49013 **mandates** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees. Pursuant to Education Code 52075, anonymous complaints are permitted with regards to the LCAP, as long as evidence, or information leading to evidence, to support the allegation of noncompliance is provided in the complaint.

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school **or with the Superintendent or designee**. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's Revised Sexual Harassment Guidance, Dear Colleague Letter: Sexual Violence, and Questions and Answers on Title IX and Sexual Violence indicate that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. This principle would also apply to harassment on other bases, such as race, gender, or disability.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other

UNIFORM COMPLAINT PROCEDURES (continued)

necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

6. ~~If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)~~

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. **The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

UNIFORM COMPLAINT PROCEDURES (continued)

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

Note: In his/her investigation, the compliance officer should consider all relevant circumstances, such as how the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. **At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.**

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. **Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the**

UNIFORM COMPLAINT PROCEDURES (continued)

investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Note: In determining the truth of any allegation, the district should apply the correct standard of proof to the situation. For example, with allegations of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) or retaliation, OCR ~~requires use of~~ uses the "preponderance of the evidence" (more likely than not) standard. Any standard of proof that is more rigorous than required by law could subject a district to liability.

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Note: Pursuant to 5 CCR 4631, the district's written decision must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, **and respondent if there is one**, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

OPTION 2:

~~Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.~~

UNIFORM COMPLAINT PROCEDURES (continued)

~~The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.~~

~~If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)~~

Note: Pursuant to 5 CCR 4631, only a complainant has the right to receive a written report, and to file his/her complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination, to ensure the process is equitable for all involved. Districts that selected Option 1 should delete reference to filing of a complaint with the Board in the following paragraph.

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, ~~in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.~~

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant **and respondent**. (5 CCR 4631)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), the federal agency which administers FERPA, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the offender when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay-away order), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the offender.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may

UNIFORM COMPLAINT PROCEDURES (continued)

be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. **In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.**

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

Note: 5 CCR 4631 and guidance provided by OCR specify components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to the CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

UNIFORM COMPLAINT PROCEDURES (continued)

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the ~~individual found to have engaged in the conduct that relate directly to the subject of the complaint~~ **respondent**
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, **but this information should not be shared with the respondent.**
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's **and respondent's** right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

UNIFORM COMPLAINT PROCEDURES (continued)

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from the CDE.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate ~~corrective actions that focus on~~ **remedies that may be offered to the victim but not communicated to the respondent** may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus

UNIFORM COMPLAINT PROCEDURES (continued)

5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Note: In its Dear Colleague Letter: Sexual Violence from April 2011 and its Questions and Answers on Title IX and Sexual Violence from April 2014, OCR provides a detailed discussion of remedies for the broader campus community.

UNIFORM COMPLAINT PROCEDURES (continued)

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

Note: Generally, when a complaint is found to have merit, appropriate corrective action is provided to the complainant or other affected person. However, in certain instances, the law may require corrective action to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or the CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code 52075, and to noncompliance with required instructional minutes for elementary students' physical education, pursuant to Education Code 51223, as amended by AB 1391 (Ch. 706, Statutes of 2015). Districts that do not maintain elementary schools should delete reference to physical education from the following paragraph.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Note: 5 CCR 4632-4633 provide that any complainant may appeal the district's decision to the CDE, as provided below. Pursuant to Education Code 49013, the district is **mandated** to adopt procedures that include the right to appeal to the CDE, in accordance with 5 CCR 4632, when a complainant is dissatisfied with the district's decision on his/her complaint alleging noncompliance with the law that prohibits districts from requiring students to pay fees, deposits, or charges for their participation in educational activities. Such procedures are also **mandated** by Education Code 52075 with regards to complaints alleging noncompliance with requirements related to the LCAP.

Authority to appeal the district's decision is also available to a complainant who alleges noncompliance with laws regarding (1) the provision of reasonable accommodation to a lactating student, (2) the educational rights of foster youth and homeless students, (3) the assignment of a high school student to a course without educational content, and (4) the required instructional minutes for elementary students' physical education, as specified in items #3 and #6-9 of the accompanying Board policy.

UNIFORM COMPLAINT PROCEDURES (continued)

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

Note: Pursuant to 5 CCR 4632-4633, an appeal to the CDE is only available to a complainant who is dissatisfied with the district's decision. However, the OCR has recommended that the district extend the same right to a respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) who is dissatisfied with the district's decision, to ensure fairness for all parties involved.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant **or respondent** shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant **or respondent** has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures

UNIFORM COMPLAINT PROCEDURES (continued)

7. Other relevant information requested by the CDE

Note: The CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant alleges that he/she would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and regulation to implement a due process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

(7/15 3/16) 9/16

Center USD

Board Policy

Community Relations

AR 1312.3

UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

1. Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320
2. Site Administration

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination, applicable standards for reaching decisions on

UNIFORM COMPLAINT PROCEDURES (continued)

complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

UNIFORM COMPLAINT PROCEDURES (continued)

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

UNIFORM COMPLAINT PROCEDURES (continued)

- e. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- h. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

- 1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

UNIFORM COMPLAINT PROCEDURES (continued)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel

UNIFORM COMPLAINT PROCEDURES (continued)

compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information.

The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the

UNIFORM COMPLAINT PROCEDURES (continued)

investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single language, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
AR 1312.3(h)

UNIFORM COMPLAINT PROCEDURES (continued)

primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)

UNIFORM COMPLAINT PROCEDURES (continued)

- d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

- 1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
- 2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

UNIFORM COMPLAINT PROCEDURES (continued)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference

UNIFORM COMPLAINT PROCEDURES (continued)

3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision

UNIFORM COMPLAINT PROCEDURES (continued)

3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

CSBA Sample

Board Policy

Administration

BP 2121(a)

SUPERINTENDENT'S CONTRACT

Note: The following optional policy should be modified to reflect district practice.

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 0200 - Goals for the School District)

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

Note: The following list of contract components is consistent with a template for superintendent contracts developed by CSBA. The annotated template contract with additional context and suggestions is available by contacting legal@csba.org.

The contract shall be reviewed by the district's legal counsel and may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work

Note: The contract should include the salary, health and welfare benefits, and other compensation for the position, as provided in item #3 below. Federal law (26 USC 105; 42 USC 300gg-16; 26 CFR 1.105-11) prohibits favoring "highly compensated" individuals (i.e., the highest paid 25 percent of all employees, with specified exceptions) in terms of the level of benefits provided. Although implementation of this provision with respect to group health plans has been delayed until the issuance of federal regulations or guidance, it is recommended that districts prepare to comply with the expected rules. See AR 4154/4254/4354 - Health and Welfare Benefits.

3. Salary, health and welfare benefits, and other compensation for the position

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

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

(cf. 3350 - Travel Expenses)

SUPERINTENDENT'S CONTRACT (continued)

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the Superintendent's use of his/her personal vehicle.

(cf. 4040 - Employee Use of Technology)

5. Vacation, illness and injury leave, and personal leaves

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

6. General duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

7. Criteria, process, and procedure for annual evaluation of the Superintendent

(cf. 2140 - Evaluation of the Superintendent)

8. A statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

<p>Note: Pursuant to Education Code 35031, the Governing Board must notify the Superintendent at least 45 days in advance if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.</p>
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10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in a timely manner of the requirement to give notice

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

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date

SUPERINTENDENT'S CONTRACT (continued)

12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in his/her official capacity in the performance of duties related to his/her employment

Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee, ~~except proposed compensation, may appropriately be discussed in closed session.~~ may be discussed in closed session under the "personnel exception." However the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline in closed session under this exception. In San Diego Union v. City Council, a California Court of Appeal held that the "personnel exception" provided in Government Code 54957 does not extend to discussions of salary and compensation.

Notwithstanding Government Code 54957, the Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may only meet in closed session for such purposes with a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication "The Brown Act: Open Meetings for Local Legislative Bodies" (2003), also states that the "labor exception" applies to meeting in closed session to instruct its representatives concerning negotiations with prospective employees. Boards wishing to discuss the superintendent's salary in closed session under the "labor exception" are encouraged to consult legal counsel before doing so.

In addition, pursuant to Government Code 54956, the Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas.

The following paragraph should be revised to reflect district practice.

The Board ~~shall~~ may deliberate ~~in closed session~~ about the terms of the contract, ~~except that in closed session at a regular meeting.~~ Discussions regarding the salary, salary schedule, or other compensation ~~shall be discussed in public at a regular meeting in.~~ may occur in closed session only as permitted under Government Code 54957.6 between the Board and its designated representative(s) (the "labor exception"), for the purpose of reviewing the Board's position or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. (Government Code 54956, 54957, 54957.6)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

SUPERINTENDENT'S CONTRACT (continued)

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

The Board shall **ratify take final action on** the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262, **54957.6**)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Termination of Contract

Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. For a superintendent contract executed prior to January 1, 2016, if the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. For a superintendent contract executed on or after January 1, 2016, Government Code 53260, as amended by AB 215 (Ch. 240, Statutes of 2015), provides that the maximum cash settlement is the monthly salary multiplied by 12. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

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

In such an event, any cash settlement that the Superintendent may receive upon termination of the contract shall not exceed his/her monthly salary multiplied by the number of months left on the contract or, if the unexpired term of the contract is more than 18 months and the contract was executed prior to January 1, 2016, no greater than the Superintendent's monthly salary multiplied by 18. For any contract executed on or after January 1, 2016, any cash settlement shall not exceed the Superintendent's monthly salary multiplied by 12. (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

Note: AB 215 (Ch. 240, Statutes of 2015) amended Government Code 53260 to eliminate the option to provide a settlement equivalent to up to six months' salary when the Superintendent's contract is terminated for specified causes.

However, when the termination of the Superintendent's contract is based upon the Board's

SUPERINTENDENT'S CONTRACT (continued)

belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

*Legal Reference:***EDUCATION CODE**35031 *Term of employment*41325-41329.3 *Conditions of emergency apportionment***GOVERNMENT CODE**3511.1-3511.2 *Local agency executives*53243-53243.4 *Abuse of office*53260-53264 *Employment contracts*54954 *Time and place of regular meetings*54956 *Special meetings*54957 *Closed session personnel matters*54957.1 *Closed session, public report of action taken*54957.6 *Closed sessions regarding employee matters***UNITED STATES CODE, TITLE 26**105 *Self-insured medical reimbursement plan; definition of highly compensated individual***UNITED STATES CODE, TITLE 42**300gg-16 *Group health plan; nondiscrimination in favor of highly compensated individuals***CODE OF FEDERAL REGULATIONS**1.105-11 *Self-insured medical reimbursement plan***COURT DECISIONS***San Diego Union v. City Council, (1983) 146 Cal.App.3d 947***ATTORNEY GENERAL OPINIONS**

57 Ops. Cal. Atty. Gen. 209 (1974)

*Management Resources:***CSBA PUBLICATIONS***Superintendent Contract Template, 2015***ATTORNEY GENERAL PUBLICATIONS***The Brown Act: Open Meetings for Local Legislative Bodies, 2003***WEB SITES**CSBA: <http://www.csba.org>Association of California School Administrators: <http://www.aesa.org> <http://www.acsa.org>Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

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Center USD

Board Policy

Superintendent's Contract

BP 2121

Administration

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. The salary, benefits, and other compensation for the position

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

4. The criteria, process, and procedure for evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

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

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

Decision not to Reemploy

If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

The Board may terminate the Superintendent's contract of employment in accordance with law and applicable contract provisions. If the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be no greater than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

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

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54954 *Time and place of regular meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

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

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3230(a)

FEDERAL GRANT FUNDS

Note: All grants awarded by the federal government, including formula grants (e.g., Title I funding, Part B of the Individuals with Disabilities Education Act) and discretionary grants, are subject to the requirements contained in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII.

The Uniform Guidance, adopted in December 2014, includes new provisions but primarily consolidates guidance from earlier OMB circulars.

Pursuant to 2 CFR 200.110, as amended by 80 Fed. Reg. 54407, the Uniform Guidance applies to all new and continuing grant awards made on or after December 26, 2014, except that districts may choose to delay implementation of the new procurement standards until July 1, 2017 or such later date as may be approved in the Uniform Guidance. See the accompanying administrative regulation for optional language accepting the delayed implementation.

Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is **mandated** to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs. In addition to the following policy, it is recommended that districts maintain a detailed administrative regulation or procedures manual addressing the mandated components.

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR 200.0-200.521 and any stricter state laws and district policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the district's financial management systems and procedures provide for the following: (2 CFR 200.302)

1. Identification in district accounts of each federal award received and expended and the federal program under which it was received

(cf. 3100 - Budget)

2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328

(cf. 3460 - Financial Reports and Accountability)

FEDERAL GRANT FUNDS (continued)

3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

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

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the district can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Pursuant to 2 CFR 200.328, districts must submit performance reports at the interval required by the awarding agency, which shall be at least annually but no more often than quarterly except in unusual

FEDERAL GRANT FUNDS (continued)

circumstances. The district may request an extension of the due date for any performance report for justifiable reasons.

In addition, the California Department of Education (CDE) is required under Education Code 64001 to monitor districts' compliance with legal requirements for federal categorical programs. This monitoring is accomplished through the Federal Program Monitoring process, which is based on a combination of data and document reviews and on-site visits. For further information, see the CDE's web site and BP 6190 - Evaluation of the Instructional Program.

The district shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

FEDERAL GRANT FUNDS (continued)

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education Audit Guide

California School Accounting Manual

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

WEB SITES

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

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Office of Management and Budget, Uniform Guidance: https://www.whitehouse.gov/omb/grants_docs

State Controller's Office: <http://www.sco.ca.gov>

System for Award Management (SAM): www.sam.gov/portal/SAM/##11

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

U.S. Government Accountability Office: <http://www.gao.gov>

Center USD

Board Policy

Federal Funds

BP 3230

Business and Noninstructional Operations

Each year the school district is eligible for federal assistance under the provisions of Public Laws, application for said assistance may be submitted, so long as acceptance of the funds does not include conditions contrary to Governing Board policy.

The Board will execute assurances of compliance, and any other legally required documents set forth as conditions for the receipt of federal funds.

Legal Reference:

EDUCATION CODE

12033 Powers of state treasurer

12400 Authority to receive and expend funds

12401 No prior approval needed from State Board of Education

ADD

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3230(a)

FEDERAL GRANT FUNDS

Note: The following administrative regulation reflects the major requirements of the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), as specified in 2 CFR 200.0-200.521 and Appendices I-XII, which governs the use of federal formula and discretionary grant funds awarded to districts.

Pursuant to 2 CFR 200.302, 200.318, and 200.319, the district is **mandated** to adopt written procedures related to procurement, conflict of interest, cash management, payments, and allowable costs. It is recommended that the district expand the following regulation and/or maintain a comprehensive procedures manual which contains internal controls and grant management standards used by the district to ensure the lawful expenditure of federal funds, including, but not limited to, procedures and protocols for cash management, procurement, inventory management, allowability of expenditures, "time and effort" reporting by personnel, and record retention.

Allowable Costs

Note: 2 CFR 200.302 mandates that districts develop written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. Districts may revise this section or their detailed procedures manual to reflect those requirements.

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure of federal funds in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

(cf. 3350 - Travel Expenses)

Note: Pursuant to Education Code 42126 which requires the Superintendent of Public Instruction to prescribe a uniform format for district budgets, districts are required to use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board. The California Department of Education's California School Accounting Manual provides guidance regarding coding of revenues and expenditures. In March 2016, the State Board of Education approved recommended changes to the California School Accounting Manual that reflect the Uniform Guidance.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

FEDERAL GRANT FUNDS (continued)**Period of Performance**

Note: Pursuant to 2 CFR 200.343, any federal funds that are not obligated or paid within the appropriate timeframes must be returned to the awarding agency. Thus, districts should closely monitor spending throughout the grant cycle.

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

Note: 2 CFR 200.110, as amended by 80 Fed. Reg. 54407, authorizes districts to delay implementation of the procurement standards in the Uniform Guidance (2 CFR 200.317-200.326) until July 1, 2017 or such later date as may be approved in the Uniform Guidance. Districts that choose to delay implementation are **mandated** to document this decision in their procurement policies, as provided in the following paragraph. Other districts should delete the date in the following paragraph.

On or before July 1, 2017, or such later date as may be approved in the Uniform Guidance, the Superintendent or designee shall comply with the standards specified in 2 CFR 200.317-200.326 and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any more restrictive state laws and district policies concerning the procurement of goods and services.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

Note: 2 CFR 200.318 **mandates** that districts have written procedures that address all applicable laws regarding the use of federal grant funds in procurement transactions. The U.S. Department of Education's (USDOE) Questions and Answers Regarding 2 CFR Part 200 clarifies that such procedures must address issues related to the bid process (e.g., source evaluation, protests, and claims) since 2 CFR 200.318 provides that the district is solely responsible for settlement of all contractual and administrative issues arising out the procurement process.

The following list reflects major requirements contained in the Uniform Guidance. Districts may revise the following list or the district's comprehensive procedures manual to include additional detail, such as a description of the documents that will be used (e.g., purchase order, requisition), staff responsibilities, and the process for soliciting and receiving bids.

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

FEDERAL GRANT FUNDS (continued)

Note: 2 CFR 200.67 permits districts to establish simplified procurement procedures for "micro-purchases," defined, as described in item #1 below. Pursuant to 48 CFR 2.101, the threshold for such purchases is \$3,500 except as otherwise specified, and will be periodically adjusted for inflation. Use of the simplified procedures requires that the district determine the price to be "reasonable." According to the USDOE's Questions and Answers Regarding 2 CFR Part 200, a documented review of web sites would meet this requirement.

The "small purchases" limit under the Uniform Guidance (item #2 below) is \$150,000. However, the more restrictive California bid limits and district procurement policies must be applied to define the "small purchase" requirements.

Any purchases above the California bid limits (see BP/AR 3311 - Bids) must follow California law.

1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.

(cf. 3311 - Bids)

4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)

(cf. 3312 - Contracts)

5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. *Time and materials type contract* means a contract whose

FEDERAL GRANT FUNDS (continued)

cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

Note: 2 CFR 200.213 restricts districts from procuring goods or services from entities that have been suspended or otherwise excluded from participation in federal assistance programs or activities. Districts may require certification of eligibility from the vendor or use the federal System for Award Management web site to determine whether a particular entity has been excluded.

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

Note: 2 CFR 200.319 **mandates** that districts have written procedures for procurement transactions that include the following components.

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

Capital Expenditures

Note: 2 CFR 200.313 and 200.439 require a district receiving federal grant funds to obtain prior written approval from the awarding agency before incurring the cost of a capital expenditure, as defined in 2 CFR 200.12 and 200.13. See AR 3512 - Equipment for further information about requirements related to equipment purchased with federal funds, including labeling, maintenance, inventory, and continued use of the equipment after the program continues to be supported by federal funds.

FEDERAL GRANT FUNDS (continued)

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

Conflict of Interest

Note: 2 CFR 200.318 **mandates** that districts maintain written standards of conduct covering conflicts of interest and the performance of employees engaged in the selection, award, and administration of contracts.

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

(cf. 9270 - Conflict of Interest)

Cash Management

Note: Pursuant to 2 CFR 200.302, districts are **mandated** to develop written procedures to implement the requirements of 2 CFR 200.305.

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

Note: Pursuant to 2 CFR 200.305, a district may be paid in advance by the awarding agency if it maintains written procedures that minimize the time elapsing between the transfer of funds and disbursement by the district as well as financial management systems that meet the standards for fund control and accountability as established in the Uniform Guidance.

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate

FEDERAL GRANT FUNDS (continued)

cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

Note: In order to charge staff compensation as an allowable expense of federal grant funds pursuant to 2 CFR 200.430, employees must document the amount of time they spend on grant activities supported by federal funds. These documents, known as "time and effort" records, are used to charge the costs of personnel compensation to federal grants. It is recommended that the district's administrative regulation reflect district practice for documenting time and effort, such as the type of documentation maintained, signature requirements, how often certifications will be completed, and review of the records by a supervisor.

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Audits

Note: Pursuant to 2 CFR 200.501, districts that expend \$750,000 or more in federal grant funds during a fiscal year must have a single audit conducted in accordance with 2 CFR 200.514, unless it chooses to have a

FEDERAL GRANT FUNDS (continued)

program-specific audit conducted in accordance with 2 CFR 200.507. The USDOE's Questions and Answers Regarding 2 CFR Part 200 confirms that compliance with the audit requirements in the Uniform Guidance (2 CFR 200.500-200.521) must begin with the audit of the district's first fiscal year starting on or after December 26, 2014. Thus, for districts whose fiscal year begins on July 1, the first audit subject to the Uniform Guidance would be for the fiscal year ending June 30, 2016. Pursuant to 2 CFR 200.512, the audit must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. For fiscal year ending June 30, 2016, the latest deadline is March 31, 2017.

Districts that expend more than \$50 million in federal funds are subject to the requirements specified in 2 CFR 200.513.

District audits are also subject to the requirements in Education Code 41020, the state Education Audit Appeal Panel's Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, and the California Department of Education Audit Guide. See BP/AR 3460 - Financial Reports and Accountability for further information about audit requirements.

Pursuant to 2 CFR 200.501, districts that expend less than \$750,000 in federal grant funds per fiscal year are exempt from federal audit requirements but must make records available for review or audit by the awarding agency, the pass-through entity, and U.S. Government Accountability Office. Such districts may delete the following section.

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3270(a)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Note: The following policy and administrative regulation address the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For policy on the sale or lease of surplus real property, see BP 3280 - Sale or Lease of District-Owned Real Property.

The Governing Board recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

(cf. 0440 - District Technology Plan)

(cf. 3512 - Equipment)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of in the local public dump. (Education Code 17546)

Note: Education Code 60510-60530 establish conditions for the sale or disposal of obsolete instructional materials depending on whether such materials are usable or unusable for educational purposes; see the section "Instructional Materials" in the accompanying administrative regulation. The following optional paragraph prescribes criteria for determining when instructional materials are obsolete or unusable, and may be revised to reflect district practice. ~~The mandate to adopt rules and procedures setting standards for identifying obsolete materials was repealed by SB 971 (Ch. 923, Statutes of 2014).~~

Instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

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

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

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

Note: Pursuant to ~~34 CFR 80.32-80.33~~ **2 CFR 200.313**, equipment or supplies acquired under a federal grant or subgrant may be retained, sold, or otherwise disposed of, with no further obligation to the awarding federal agency, when they are no longer needed for the original project or program or for other federally supported activities. However, when the current per-unit fair market value of the equipment or the residual inventory of the unused supplies is \$5,000 or more, the federal agency that provided the grant or subgrant shall be entitled to a share of the current market value of the equipment, if retained, or the proceeds from its sale, and to compensation for its share of the unused supplies. See the accompanying administrative regulation.

The Superintendent or designee shall establish procedures to be used whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (~~34 CFR 80.32-2 CFR 200.313~~)

(cf. 3230 - Federal Grant Funds)

(cf. 3440 - Inventories)

Legal Reference: (see next page)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

60510-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 Federal uniform grant guidance

CODE OF FEDERAL REGULATIONS, TITLE 34

~~80.32-80.33 Equipment and supplies acquired under a grant or subgrant~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

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

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

Center USD

Board Policy

Sale And Disposal Of Books, Equipment And Supplies

BP 3270

Business and Noninstructional Operations

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Governing Board, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

(cf. 0440 - District Technology Plan)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas

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

2. Are not aligned with the district's academic standards or course of study

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

3. Contain information rendered inaccurate or incomplete by new research or technologies

4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy

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

5. Are damaged beyond use or repair

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Superintendent or designee shall establish procedures to be used when selling

equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

42291.5 Temporary school bus designation

42303 School bus sale to another district

60500-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

Policy CENTER UNIFIED SCHOOL DISTRICT

adopted: February 17, 2010 Antelope, California

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3270(a)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Note: The following administrative regulation addresses the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For procedures regarding the disposal of real property, see BP/AR 3280 - Sale or Lease of District-Owned Real Property.

~~Education Code 42302, which established conditions for the sale of school buses by districts receiving a state apportionment to replace the buses, was repealed by SB 78 (Ch. 19, Statutes of 2015).~~

Instructional Materials

Note: Education Code 60510-60530 address the sale or disposal of surplus or undistributed obsolete instructional materials that are either usable or unusable for educational purposes. See the accompanying Board policy for language regarding the determination of instructional materials as obsolete or unusable.

~~The legal requirement to use the proceeds of the sale of surplus or obsolete instructional materials to purchase new instructional materials, supplemental instructional materials, or technology-based materials was repealed by SB 971 (Ch. 923, Statutes of 2014).~~

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district. Alternatively, such materials may be donated to: (Education Code 60510)

1. Another district, county free library, or other state institution
2. A United States public agency or institution
3. A nonprofit charitable organization
4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

(cf. 0440 - District Technology Plan)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Governing Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

Note: Education Code 60510.5 encourages, but does not require, districts to take actions described in the following optional paragraph.

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

At least 60 days before selling or donating surplus or undistributed obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by other means that will most effectively reach the entities described above. Representatives of those entities and members of the public also shall be notified of the opportunity to address the Board regarding the distribution of these materials.

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

(cf. 3510 - Green School Operations)

(cf. 3511.1 - Integrated Waste Management)

Equipment/Supplies Acquired with Federal Funds

Note: ~~34 CFR 80.32-80.33-2~~ **CFR 200.313-200.314** address the sale or disposal of equipment and supplies that were acquired under a federal grant or subgrant. See BP 3512 - Equipment for additional requirements pertaining to the management of such equipment and supplies.

When the district has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (~~34 CFR 80.32-2~~ **CFR 200.313**)

(cf. 3230 - Federal Grant Funds)

When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally supported activities, the district may retain or sell such items or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the Board. Whenever the district sells equipment or supplies that have a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (~~34 CFR 80.32-80.33-2~~ **CFR 200.313, 200.314**)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

In the event that the district is provided equipment that is federally owned, the district shall request disposition instructions from the federal agency when it no longer needs the equipment. (~~34 CFR 80.32~~ **2 CFR 200.313**)

Other Personal Property

The district may sell other surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. (Education Code 17545)
3. The district may sell the property without advertising for bids under any of the following conditions:

Note: Pursuant to Education Code 17546, advertising without bids is authorized when the Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value; see the accompanying Board policy.

- a. The Board members in attendance at a meeting have unanimously determined that the property does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

Note: Education Code 17540 authorizes the sale of property to government agencies eligible under the federal surplus property law, renumbered as 40 USC 549.

- b. The district sells the property to agencies of the federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

plus the estimated cost of purchasing, storing, and handling. (Education Code 17540; 40 USC 549)

- c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

Money received from the sale of surplus personal property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

(cf. 3100 - Budget)

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Center USD

Administrative Regulation

Sale And Disposal Of Books, Equipment And Supplies

AR 3270

Business and Noninstructional Operations

Personal Property

The district may sell surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #1 above. (Education Code 17545)

3. The district may sell the property without advertising for bids under any of the following conditions:

a. The Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

b. The district sells the property to agencies of federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)

c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. (Education Code 60510, 60510.1, 60521)

(cf. 0440 - District Technology Plan)

(cf. 6161 - Equipment, Books and Materials)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60510, 60511)

At least 60 days before selling or donating surplus or obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means he/she believes will most effectively reach the entities described above. The Board shall also permit representatives of these entities and members of the public to address the Board regarding the distribution of these materials.

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

(cf. 3510 - Green School Operations)
(cf. 3511.1 - Integrated Waste Management)

Replacement of School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Board may sell the bus that is being replaced to another California school district if the following conditions are met: (Education Code 42303)

1. The other district is replacing a bus that is in service and has not been designated a temporary school bus pursuant to Education Code 42291.5.
2. The bus being replaced by the other district is older than the bus that is being sold by this district.
3. The bus being replaced by the other district is not sold to a third school district.
4. The other district, by Board resolution, holds the state and this district harmless for any liability that may result from the bus that this district is selling.
5. The proceeds from the sale of the bus shall be used by this district for home-to-school transportation purposes.

(cf. 3540 - Transportation)

6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and Title 13 of the California Code of Regulations.

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3311(a)

BIDS

Note: ~~The following optional policy and accompanying mandated administrative regulation are for districts that have not adopted the Uniform Public Construction Cost Accounting Act (Public Contract Code 22030-22045). California law requires competitive bidding for most public contracts.~~ Pursuant to Public Contract Code 20111 and 22002, public contracts for the lease or purchase of equipment, materials, supplies, or services or for "public projects," as defined, are required to be competitively bid when they involve expenditure of specified amounts. **An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22030-22045), as described below.**

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

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

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of ~~Public Contract Code 20111-20118.4~~ **regarding contracting after competitive bidding.** (Public Contract Code 20116, 22033)

Note: Requirements for competitive bidding, including notice and advertising, are specified in Public Contract Code ~~20111-20118.4~~ **20110-20118.4**. See the accompanying administrative regulation.

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

Note: Pursuant to Public Contract Code 20111.5, the district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required; see the accompanying administrative regulation. However, pursuant to Public Contract Code 20111.6, a district with average daily attendance of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds are used. In addition, the Governing Board is required to adopt a uniform system of rating bidders based on completed questionnaires and financial statements which must address, at a minimum, the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations for such purpose.

BIDS (continued)

~~The Superintendent or designee shall develop the procedures to be used for rating bidders~~ For award of contracts which, by law or Board policy, require prequalification, ~~the~~ The procedures shall identify a uniform system for rating bidders and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(cf. 9270 - Conflict of Interest)

Note: Districts should be careful in crafting bid specifications, as a misleading specification that results in a lower bid than might have been made may make the district liable for the extra work done or expenses incurred by the contractor. In Los Angeles Unified School District v. Great American Insurance Co., the California Supreme Court held in favor of a contractor who was misled by the district's nondisclosure of material information that would have affected the contractor's bid!

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

Note: Pursuant to Public Contract Code 20111, a contract required to be put out to bid must be awarded to the lowest responsible bidder. A "responsible bidder" is one who possesses the quality, fitness, and capacity to satisfactorily perform the proposed work. (City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court)

However, a bid may be awarded to other than the "lowest responsible bidder" when conditions specified in law exist. For example, a district is permitted to give preference to minorities, women, veterans, and small businesses in accordance with Public Contract Code 2000-2002. In addition, Education Code 17250.10-17250.55, as added by AB 1358 (Ch. 752, Statutes of 2015), authorize the district to award a design-build contract for a public works project in excess of \$1 million on the basis of either low bid or "best value," as defined. ~~Also~~ See "Award of Contract" section in the accompanying administrative regulation.

Except as authorized by law and specified in the administrative regulation, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

Note: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Board determines it is in the best interest of the district. See the accompanying administrative regulation for a list of those items that may be leased or purchased using this procedure.

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

BIDS (continued)

Note: The following optional paragraph is for use by districts that have elected to use the alternative contracting procedure for public works pursuant to the UPCCAA (Public Contract Code 22030-22045) and should be deleted by districts that have not elected to use such alternative procedure. Pursuant to Public Contract Code 22030, the district may participate in the UPCCAA only if the Board adopts a resolution requiring the use of the UPCCAA in district contracting and notifies the State Controller of that action. In the event of a conflict with any other provision of law relative to bidding procedures, the UPCCAA shall apply to any district that has adopted a resolution and so notified the Controller. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, withdrawal from the UPCCAA requires the Board to file a resolution of the election to withdraw with the State Controller.

In electing to be subject to the UPCCAA, a district thereby agrees to follow the cost accounting procedures set forth in the Cost Accounting Policies and Procedures Manual of the California Uniform Construction Cost Accounting Commission. According to the "Frequently Asked Questions" on the Commission's web site, school districts may use the statewide Standardized Account Code Structure to comply with tracking requirements.

Pursuant to Public Contract Code 22032, projects of \$45,000 or less may be performed by the district's own work force; projects of \$175,000 or less may use a more informal bidding procedure as specified; and projects over \$175,000 require formal bidding procedures. See the accompanying administrative regulation for related requirements.

In circumstances where the informal bidding procedure is authorized, Public Contract Code 22034 allows the Board to delegate the authority to award contracts to an appropriate district administrator. Public Contract Code 22039 allows the Board to delegate the adoption of plans, specifications, and working details for projects subject to formal bidding procedures. The following paragraph may be revised to reflect district practice.

For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

Legal Reference: (see next page)

BIDS (continued)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act*

17250.10-17250.55 Design-build contracts

17406 *Lease-leaseback contract*

17595 *Purchase of supplies through Department of General Services*

17602 *Purchase of surplus property from federal agencies*

38083 *Purchase of perishable foodstuffs and seasonable commodities*

38110-38120 *Apparatus and supplies*

39802 *Transportation services*

CODE OF CIVIL PROCEDURE

446 *Verification of pleadings*

GOVERNMENT CODE

4217.10-4217.18 *Energy conservation contracts*

4330-4334 *Preference for California-made materials*

6252 *Definition of public record*

53060 *Special services and advice*

54201-54205 *Purchase of supplies and equipment by local agencies*

PUBLIC CONTRACT CODE

1102 *Emergencies*

2000-2002 *Responsive bidders*

3000-3010 *Roofing projects*

3400 *Bids, specifications by brand or trade name not permitted*

3410 *United States produce and processed foods*

6610 *Bid visits*

12200 *Definitions, recycled goods, materials and supplies*

20101-20103.7 *Public construction projects, requirements for bidding*

20103.8 *Award of contracts*

20107 *Bidder's security*

~~20111~~ 20110-20118.4 *Contracting by school districts*

20189 *Bidder's security, earthquake relief*

22002 *Definition of public project*

22030-22045 *Alternative procedures for public projects (UPCCAA)*

22050 *Alternative emergency procedures*

22152 *Recycled product procurement*

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, F068477, (2015) 237 Cal.App.4th 261

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739

Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425

Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241

Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 **Ops. Cal. Atty. Gen.** 1 (2006)

BIDS (continued)

Management Resources:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS

Cost Accounting Policies and Procedures Manual

Frequently Asked Questions

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

California Association of School Business Officials: <http://www.casbo.org>

California Uniform Construction Cost Accounting Commission:

http://www.sco.ca.gov/ard_cuccac.html

Center USD

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

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

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

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

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

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4. (Public Contract Code 20116)

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

The Superintendent or designee shall develop the procedures to be used for rating bidders for award of contracts which, by law or Board policy, require prequalification. The procedures shall identify a uniform system for rating bidders and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(cf. 9270 - Conflict of Interest)

Except as authorized by law and specified in the administrative regulation, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act*
17406 *Lease-leaseback contract*
17595 *Purchase of supplies through Department of General Services*
17602 *Purchase of surplus property from federal agencies*
38083 *Purchase of perishable foodstuffs and seasonable commodities*
38110-38120 *Apparatus and supplies*
39802 *Transportation services*

GOVERNMENT CODE

4217.10-4217.18 *Energy conservation contracts*
4330-4334 *Preference for California-made materials*
6252 *Definition of public record*
53060 *Special services and advice*
54201-54205 *Purchase of supplies and equipment by local agencies*

PUBLIC CONTRACT CODE

1102 *Emergencies*
2000-2002 *Responsive bidders*
3000-3010 *Roofing projects*
3400 *Bids, specifications by brand or trade name not permitted*
3410 *United States produce and processed foods*
6610 *Bid visits*
12200 *Definitions, recycled goods, materials and supplies*
20101-20103.7 *Public construction projects, requirements for bidding*
20103.8 *Award of contracts*
20107 *Bidder's security*
20111-20118.4 *Contracting by school districts*
20189 *Bidder's security, earthquake relief*
22002 *Definition of public project*
22030-22045 *Alternative procedures for public projects (UPCCAA)*
22050 *Alternative emergency procedures*
22152 *Recycled product procurement*

COURT DECISIONS

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 *Ops. Cal. Atty. Gen.* 1 (2006)

Management Resources:

WEB SITES

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

California Association of School Business Officials: <http://www.casbo.org>

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3311(a)

BIDS

Note: Pursuant to Government Code 54202, districts are mandated to ~~adopt~~ establish bidding procedures governing the purchase of equipment and supplies, as specified in the following administrative regulation.

~~The following administrative regulation is for use by districts that have not adopted the provisions of the Uniform Public Construction Cost Accounting Act (UPCCAA). Procedures and bid limits under the UPCCAA are specified in Public Contract Code 22030-22045.~~

Advertised/Competitive Bids

The district shall advertise for competitive bids when any public project contract involves an expenditure of \$15,000 or more. *Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

Note: For items #1-3 below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following optional paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For ~~2015~~ 2016, the bid limit is ~~\$86,000~~ \$87,800.

The district shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

BIDS (continued)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Note: For a bid to be successful, it must conform to specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., he/she must be "responsible"). A district must be careful in making a determination on the "non-responsiveness" of a bid based on investigation or information outside of the submitted bid. In addition, when relying on outside investigation or information to disqualify a bidder, the district must follow the hearing procedures applicable for a finding of "non-responsibility." (Great West Contractors Inc. v. Irvine Unified School District) To avoid any confusion, the district should provide clear and comprehensive specifications to bidders.

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district

BIDS (continued)

- d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

- 3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
- 4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
- 5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

Note: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with legal counsel, as appropriate, as to the applicability of this law to school districts and other unclear provisions of this law.

- 6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

BIDS (continued)

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.
8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
9. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

Note: The following section is **optional**. Pursuant to Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1 million or more awarded on or after January 1, 2015, when the project uses or is reimbursed from School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds.

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

BIDS (continued)

Note: Pursuant to Public Contract Code 20111.6, ~~as amended by AB 1581 (Ch. 408, Statutes of 2014),~~ districts' authority to set timelines for bid submittal and opening as specified in the following paragraph apply to contracts awarded on or after January 1, 2015 and will be in effect only until January 1, 2019. In addition, Public Contract Code 20111.6, as amended by AB 566 (Ch. 214, Statutes of 2015), clarifies that the requirement for prequalification applies to projects that will be reimbursed from future state school bonds, not just those that use funds "received" from state construction bonds.

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in the Business and Professions Code 4113, 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

Note: ~~The following optional section may be revised to reflect district practice.~~ Pursuant to Public Contract Code 20111, the district is required to award a contract to the lowest responsible bidder except in the circumstances specified in items #1-3 below. ~~the following optional section.~~ In addition, Education Code 17250.15 and 17250.25, as added by AB 1358 (Ch. 752, Statutes of 2015), authorize the district to award a design-build contract for a public works project in excess of \$1 million to either the low bid or best value, as provided in item #4 below.

BIDS (continued)

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

Note: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, etc., in state employment and contracting. The district should consult legal counsel if there is any question about the granting of preferences to any such business.

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. **When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with the section "Design-Build Contracts" below, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)**

(cf. 9270 - Conflict of Interest)

Protests by Bidders

Note: The law does not specify a procedure for handling protests by bidders. The following optional section provides one such procedure and should be modified to reflect district practice.

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the

BIDS (continued)

Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

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

Note: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.

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

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.

BIDS (continued)

4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Design-Build Contracts

Note: As an alternative to the more traditional design-bid-build process (Public Contract Code 20110-20118.4) or a lease-leaseback process (Education Code 17406), the district may enter into a design-build contract for a public works project in excess of \$1 million pursuant to Education Code 17250.10-17250.55, as added by AB 1358 (Ch. 752, Statutes of 2015). As defined by Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Education Code 17250.15 and 17250.25 provide that such contracts may be awarded to either the low bid or best value, as defined. Pursuant to Education Code 17250.50 and 17250.55, this authority applies to bid requests issued on or after July 1, 2016 and will be repealed January 1, 2025 unless legislation is enacted to delete or extend that date.

When it is in the best interest of the district, the Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

The procurement process for design-build projects shall be as follows: (Education Code 17250.25)

1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to, the size, type, and desired design character of the project; performance

BIDS (continued)

specifications covering the quality of materials, equipment, workmanship, preliminary plans, or building layouts; or any other information deemed necessary to describe adequately the district's needs. The documents may include operations during a training or transition period, but shall not include long-term operations for a project. The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. The district shall prepare and issue a request for qualifications in order to prequalify or develop a short list of the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
 - b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction experience, acceptable safety record, and all other non-price-related factors
 - c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

The district also may identify specific types of subcontractors that must be included in the statement of qualification and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25)

BIDS (continued)

- 3. The district shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The request for proposals shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.**
- 4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.**
- 5. For those projects utilizing best value as a selection method, the following procedures shall be used:**

 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.**
 - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.**
 - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.**
 - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.**

BIDS (continued)

Sole Sourcing

Note: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is **optional**.

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

Note: The following **optional** paragraph is for use by districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source

BIDS (continued)

4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Note: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined (89 Ops.Cal.Atty.Gen. 1 2006) that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. However, this opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Districts considering using the piggyback process for relocatables, portables, modulares, and the like should consult district legal counsel. While Attorney General opinions are not binding, they are often given deference by the court and may also be considered by the State Allocation Board when making funding decisions.

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)

(cf. 3512 - Equipment)

Note: The following **optional** paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "costs-benefits" analysis specified in Government Code 4217.12.

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

(cf. 3511 - Energy and Water Management)

(cf. 9320 - Meetings and Notices)

BIDS (continued)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

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

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Note: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In Marshall v. Pasadena Unified School District, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

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

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

Lease-Leaseback Contract

Note: The following optional section addresses construction financing contracts that are commonly described as the "lease-leaseback" contracts. This construction financing method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met. Pursuant to Education Code 17407.5, as added by AB 566 (Ch. 214, Statutes of 2015), the contractor must provide an enforceable commitment to the district that it will use a certain percentage of skilled and trained workers to complete project-related work that is within an "apprenticeable occupation" as defined in Labor Code 3075.

BIDS (continued)

~~In addition,~~ Upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeship occupation in the building and construction trades. (Education Code 17406, 17407.5)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Note: Different California appellate courts have identified conflicting requirements for a valid lease-leaseback contract. In Davis v. Fresno Unified School District, an appellate court ruled that, to be valid, a lease-leaseback agreement must contain a lease term and a financing component ~~as specified in the following paragraph~~. Conversely, in McGee v. Balfour Beatty Construction LLC, another appellate court ruled that, to be valid, the plain language of Education Code 17406 only requires that (1) the real property involved belong to the district, (2) the lease is for construction purposes, and (3) the title to the property vest in the district at the end of the lease term. Until the resolution of this conflict, CSBA recommends that, as a precaution, any district considering the use of lease-leaseback include elements of the requirements stated in Davis and consult legal counsel accordingly.

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that ~~include all required terms, including a lease term that specifies~~ provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, ~~are included in the agreement as may be determined on a case-by-case basis.~~

(cf. 9124 - Attorney)

Note: Pursuant to Education Code 17406, ~~as amended by AB 1581 (Ch. 408, Statutes of 2014)~~, the prequalification requirements for contracts that meet the criteria specified in Public Contract Code 20111.6 are also applicable to lease-leaseback contracts. As amended by AB 566 (Ch. 214, Statutes of 2015), Education Code 17406 requires prequalification for such projects irrespective of whether or not they are funded locally or through state sources and makes the provision applicable to all districts, not just those with ADA of 2,500 or more. See "Prequalification Procedure" section above.

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

Uniform Public Construction Cost Accounting Act

BIDS (continued)

Note: The following section is for use by districts whose board has adopted a resolution to use the alternative procedures of the UPCCAA (Public Contract Code 22030-22045) for awarding public works projects; see the accompanying Board policy. According to the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site, a district participating in the UPCCAA is subject to other requirements of the Public Contract Code in areas where the UPCCAA is silent. For further information about this option, see the California Uniform Construction Cost Accounting Commission's "Frequently Asked Questions," available on its web site.

Public Contract Code 22032 establishes the following requirements based on the amount of the public project. Pursuant to Public Contract Code 22020, the Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The State Controller is required to notify all public agencies of any adjustment to these limits.

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

- 1. Public projects of \$45,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)**

Note: Public Contract Code 22034 requires any public agency participating in UPCCAA to adopt an informal bidding ordinance, with specified components, to govern the selection of contractors to perform public projects of \$175,000 or less, as described in item #2 below. The Commission's "Frequently Asked Questions" clarify that, for school districts and other agencies that cannot legally adopt ordinances, a board policy, administrative regulation, or other legally applicable action of the board may be substituted.

- 2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)**
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.**

Note: Public Contract Code 22034, as amended by SB 184 (Ch. 269, Statutes of 2015), authorizes distribution of the following bid notice by fax or email as well as by mail.

- b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to one or both of the following:**
 - (1) To all contractors on the district's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due**

BIDS (continued)

(2) To all construction trade journals identified pursuant to Public Contract Code 22036

c. The district shall review the informal bids and award the contract, except that:

(1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the district's cost estimate was reasonable.

(2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.

3. Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)

Note: Pursuant to Public Contract Code 22037, if there is no newspaper of general circulation published in the jurisdiction of the district, the district must post the bid notice in three locations as described below. Public Contract Code 22037 requires that these locations be identified in the agency's ordinance or regulation. Item #3a(1) may be revised to include such locations.

a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:

(1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.

(2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to notice required above, the district may give such other notice as it deems proper.

b. The district shall award the contract as follows:

BIDS (continued)

- (1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.**
- (2) At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.**
- (3) If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.**

In cases of emergency when repair or replacements are necessary, the Board may proceed at once to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, in accordance with the contracting procedures in Public Contract Code 22050. The work may be done by day labor under the direction of the Board and/or contractor. (Public Contract Code 22035)

BIDS

Advertised/Competitive Bids

The district shall advertise for competitive bids when any public project contract involves an expenditure of \$15,000 or more. *Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

The district shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

BIDS (continued)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)

BIDS (continued)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

- 7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.
- 8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
- 9. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

- 10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form which, when completed, shall indicate a bidder's statement of financial ability

BIDS (continued)

and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in the Business and Professions Code 4113, 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

BIDS (continued)

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

(cf. 9270 - Conflict of Interest)

Protests by Bidders

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

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

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

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus.

BIDS (continued)

Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

BIDS (continued)

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

BIDS (continued)**Bids Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)

(cf. 3512 - Equipment)

In addition, upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Any lease-leaseback agreement shall include a lease term that specifies the district's occupancy of the building or improved property and a financing component as may be determined on a case-by-case basis.

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

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

BIDS (continued)

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

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

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

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

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3440(a)

INVENTORIES

Note: Education Code 35168 requires the Governing Board to establish and maintain an inventory of all items of equipment with a current market value above \$500, as provided in item #1 below. Generally, the Board delegates this authority to the Superintendent or designee.

~~For equipment purchased with federal funds, unless the program is specifically exempted, 34 CFR 80.3 and 80.32 2 CFR 200.313 requires that districts conduct inventories of equipment acquired in whole or in part with federal grant funds, and 2 CFR 200.33 defines "equipment" as require districts to maintain inventory records of "tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit that exceeds \$5,000 or the capitalization level established by the district for financial statement purposes, whichever is less.~~ In the state's Federal Program Monitoring (FPM) process, the California Department of Education (CDE) reviews whether the district maintains an inventory record for each item of equipment with an acquisition cost of \$500 or more per unit that is purchased with state and/or federal categorical funds. Thus, it is recommended that districts maintain inventories of equipment with an acquisition cost of \$500 or more per unit, as provided in item #2 below.

The district may specify lower amounts for items #1 and #2 below.

Note that the acquisition cost threshold amount established for the equipment inventory need not be the same as the threshold amount established for identifying capital assets for accounting purposes; see BP 3400 - Management of District Assets/Accounts. As explained in the CDE's California School Accounting Manual, all capitalized items should be inventoried, but not all inventoried items should be capitalized.

In order to provide for the proper tracking and control of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All equipment items currently valued in excess of \$500 (Education Code 35168)
2. All equipment items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit

(cf. 3290 - Gifts, Grants and Bequests)

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

(cf. 3512 - Equipment)

Note: The following optional paragraph may be revised to reflect district practice. According to the California School Accounting Manual, some districts choose to inventory certain items, such as computers, audiovisual equipment, and furniture, even if their cost is lower than the threshold defined by law.

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The inventory shall contain a record of the following information: (Education Code 35168; 5 CCR 3946)

INVENTORIES (continued)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Note: Items #1-5 below are for use by districts that have used state and/or federal categorical funds to purchase equipment with an initial cost over the threshold established by law or the district. The district may merge this list into the list above in order to provide consistent procedures for all district equipment.

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (~~34 CFR 80.32~~; 5 CCR 3946; **2 CFR 200.313**)

1. Source of the property (funding source)
2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

(cf. 3230 - Federal Grant Funds)

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Note: The following optional paragraph provides for tracking of items that are moved from their original location. For additional requirements regarding safeguards for equipment purchased with categorical program funds, see AR 3512 - Equipment.

INVENTORIES (continued)

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

Note: 5 CCR 3946 requires that the inventory of equipment purchased with state and/or federal categorical funds be maintained at the district office and appropriate school site. The following optional paragraph has been expanded to apply to all inventories conducted by the district and may be revised to reflect district practice.

A copy of the inventory shall be kept at the district office and at the appropriate school site.

(cf. 3580 - District Records)

The Superintendent or designee shall annually submit an inventory listing of federally owned property in its custody to the federal agency that granted the award. (2 CFR 200.312)

Physical Inventory

Note: The FPM process for both state and federal categorical programs includes a determination as to whether the district has conducted a physical inventory of equipment within the past two years in accordance with ~~34 CFR 80.32~~, **2 CFR 200.313** as provided below. The California School Accounting Manual recommends that districts conduct a physical inventory at least once a year. The district may revise the following paragraph to specify a timeline shorter than two years.

At least once every two years, a physical inventory of equipment shall be conducted and the results reconciled with the property records. (~~34 CFR 80.32~~ **2 CFR 200.313**)

Note: The following two paragraphs are optional. The California School Accounting Manual includes recommended procedures for conducting a physical inventory, including procedures for preparing for the inventory, conducting the inventory count, and recounting. The following paragraph may be revised to reflect any specific district procedures for the physical inventory.

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

INVENTORIES (continued)

Legal Reference:

EDUCATION CODE

35168 *Inventory of equipment*

CODE OF REGULATIONS, TITLE 5

3946 *Control, safeguards, disposal of equipment purchased with consolidated application funds*

16022-16023 *Classification of records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 *Federal uniform grant guidance*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 *Uniform administrative requirements for grants to state and local governments*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual, 2008

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

White House, Office of Management and Budget: <http://www.omb.gov>

<https://www.whitehouse.gov/omb>

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

Center USD

Administrative Regulation

Inventories

AR 3440

Business and Noninstructional Operations

In order to provide for the proper tracking and control of district property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All equipment items currently valued in excess of \$500 (Education Code 35168)
2. All equipment items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit

(cf. 3290 - Gifts, Grants and Bequests)

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

(cf. 3512 - Equipment)

In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The inventory shall contain a record of the following information: (Education Code 35168; 5 CCR 3946)

1. Name and description of the property
2. Identification number
3. Original cost of the item of equipment or a reasonable estimate if the original cost is unknown
4. Date of acquisition
5. Location of use
6. The date and method of disposal

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (34 CFR 80.32; 5 CCR 3946)

1. Source of the property (funding source)

2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

A copy of the inventory shall be kept at the district office and at the appropriate school site.

(cf. 3580 - District Records)

Physical Inventory

At least once every two years, a physical inventory of equipment shall be conducted and the results reconciled with the property records. (34 CFR 80.32)

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with consolidated application funds

16022-16023 Classification of records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administrative requirements for grants to state and local governments

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual, 2008

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

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

White House, Office of Management and Budget: <http://www.omb.gov>

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3460(a)

FINANCIAL REPORTS AND ACCOUNTABILITY

Interim Reports

Note: Education Code 42130 requires that the district issue two interim fiscal reports; see the accompanying Board policy for information about the use of these reports to certify whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years.

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

Note: Interim reports must be based on the criteria and standards adopted by the State Board of Education (SBE) pursuant to Education Code 33127. These criteria and standards are specified in 5 CCR 15453-15464, ~~as amended by Register 2013, No. 49, and address the areas listed below. As amended, 5 CCR 15453 and 15460 replace the standard for revenue limits with a standard for LCFF revenue beginning in the 2014-15 fiscal year. 5 CCR 15460 provides that projected LCFF revenue for the current fiscal year or any of the two subsequent fiscal years should not have changed by more than two percent since budget adoption.~~

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)

(cf. 3220.1 - Lottery Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

Audit Report

Note: Pursuant to Education Code 41020, each year the district is required to arrange for an independent audit of all the district's funds. The audit must be approved by the Governing Board and submitted to the County Superintendent of Schools, California Department of Education (CDE), and State Controller within specified timelines. See the accompanying Board policy.

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

Note: The following paragraph is **optional**. Governmental Accounting Standards Board (GASB) Statement 34 contains requirements for the contents of the district's annual audited financial reports.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

Note: Pursuant to Education Code 41020, the audit must include an audit of income and expenditures for all district funds, as provided below. Additionally, ~~AB 97 (Ch. 47, Statutes of 2013) amended~~ Education Code 41020 ~~to~~ requires that the audit include a determination of whether funds were expended in accordance with the district's local control and accountability plan (LCAP). Pursuant to Education Code 52061, ~~as added by AB 97 and amended by SB 97 (Ch. 357, Statutes of 2013)~~, the annual update to the LCAP must list expenditures for specific actions to be taken to achieve the goals in the LCAP, including expenditures for services to English learners, foster youth, and students eligible for free and reduced-price meals. See BP/AR 0460 - Local Control and Accountability Plan for requirements pertaining to the LCAP.

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts, **state and federal grant funds**, and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

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

Note: The following **optional** paragraph is for use by districts that elect to participate in the school district of choice program (Education Code 48300-48316); see BP/AR 5117 - Interdistrict Attendance. Pursuant to Education Code 48301, any district that elects to participate in the school district of choice program must ensure that its annual financial audit includes a review of the district's compliance with program requirements to establish a random, unbiased process for student admittance and to provide appropriate and factually accurate parent/guardian communications. A summary of any audit exceptions found by the auditor must be

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

included in reports to each geographically adjacent school district, the county office of education, CDE, and Department of Finance as required by Education Code 48313.

If the district participates in the school district of choice program to accept interdistrict transfers, the Superintendent or designee shall notify the auditor, prior to the commencement of the audit, that the audit must include a review of the district's compliance with specified program requirements. (Education Code 48301)

(cf. 5117 - Interdistrict Attendance)

Note: Pursuant to 31 USC 7502, Office of Management and Budget (OMB) Circular A-133, and subsequent compliance supplements, whenever the district expends \$500,000 or more in federal funds during a fiscal year, its audit of federal funds must be submitted to the federal audit clearinghouse designated by the OMB within the timelines specified below. Although submission of the report is often done by the auditor, it is the district's responsibility to ensure that it is submitted on time.

~~When required by federal law, specified records pertaining to the audit of federal funds received and expended by the district shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program specific audit guide. (31 USC 7502)~~

Note: Pursuant to Education Code 41344 and 41344.1, the district may appeal to the Education Audit Appeals Panel (EAAP) when an audit finding requires the district to repay an apportionment or pay a penalty. If the EAAP finds that there has been substantial compliance with the law, it may waive or reduce repayments or order other remedial measures to induce future compliance.

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

Fund Balance

Note: The following optional section reflects GASB Statement 54, which addresses the manner in which fund balances in the general fund must be reported in external financial reports. Pursuant to GASB 54, the Board has sole authority to specify purposes of committed funds (item #3 below) and also must express, or the

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

authority to express, intended purposes of resources resulting in the assigned fund balance (item #4 below); see BP 3100 - Budget.

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

Negative Balance Report

Note: When applicable, Education Code 42127.5 requires districts to report the reasons for a negative unrestricted fund balance or negative cash balance. "Unrestricted funds" are any funds that are not constrained by law to be spent on specific purposes and which therefore may be spent as the Board deems appropriate. Such funds may be reported in the committed fund balance, assigned fund balance, or unassigned fund balance as provided in items #3-5 in the section "Fund Balance" above.

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

Non-Voter-Approved Debt Report

Note: The following section addresses notices regarding the issuance of revenue bonds, certificates of participation, and other non-voter-approved debts. Pursuant to Education Code 17150 and 17150.1, the County Superintendent and county auditor may, within 15 days of receiving these notices from the district, comment publicly to the Board regarding the capability of the district to repay the debt obligation.

Pursuant to Education Code 42133, a district that has a qualified or negative certification in any fiscal year

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

cannot issue non-voter-approved debt in that fiscal year or in the next fiscal year unless the County Superintendent determines that the district's repayment of the debt is probable.

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

Other Postemployment Benefits Report (~~GASB-45~~)

Note: The following section reflects GASB Statement 45 75, which replaces Statement 45 for fiscal years beginning after June 15, 2017, or sooner at the district's discretion. GASB 75 contains reporting requirements pertaining to "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees). Under GASB 45, the district must report OPEBs as a current expense during the working years of an employee, calculated by an actuary using one of six specified actuarial cost methods. In addition, To the extent that the OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district's financial statements. Under GASB 75, districts that do not provide OPEB through a trust are required to report the total unfunded liability (i.e., OPEBs that are not prefunded), as calculated in the most recent actuary report, in the district's financial statements. Previously, districts were allowed to amortize the unfunded liability over a period of up to 30 years and report the annual amount in financial statements. The decision of whether to prefund the benefits, and by how much, is at the Board's discretion; see BP 3100 - Budget.

The SBE's criteria and standards for budget adoption (5 CCR 15440-15451) require districts to estimate unfunded OPEBs as well as the unfunded portion of any self-insured benefits program. Changes to the unfunded liabilities are disclosed at interim reporting periods pursuant to 5 CCR 15453 and 15464. These reports are included in the state's standardized account code structure software used to develop budget and interim reports.

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

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

The following **optional** section may be revised to reflect district practice and should be deleted by districts that do not provide OPEBs.

In accordance with GASB Statement **45 75**, the district's financial statements shall report the ~~annual~~ expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

Note: Pursuant to GASB **45 75**, the district must arrange for an actuary to update the valuation of its OPEB obligations either every two years. ~~(for OPEB plans with a total membership of 200 or more) or every three years (for OPEB plans with fewer than 200 members).~~ The exception allowing OPEB plans with fewer than 200 members to perform the actuarial valuation every three years has been eliminated effective June 15, 2017. CDE correspondence dated February 26, 2007 indicates that districts with fewer than 100 plan members may use an alternative method that does not require the services of an actuary. The district may revise the following paragraph to reflect the district's circumstances. However, GASB 75 includes an option for the use of a specified alternative method in lieu of an actuarial valuation for purposes of determining the total OPEB liability for benefits provided through an OPEB plan with fewer than 100 members. Such districts may modify the following paragraph to reflect district practice.

The district's financial obligation for OPEBs shall be reevaluated every two ~~or three~~ years in accordance with GASB **45 75**. ~~depending on the number of members in the OPEB plan.~~

Workers' Compensation Claims Report

Note: The following **optional** section is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See BP 3100 - Budget for provisions related to funding the estimated accrued cost of workers' compensation claims.

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

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Center USD

Administrative Regulation

Financial Reports And Accountability

AR 3460

Business and Noninstructional Operations

Interim Reports

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

(cf. 3100 - Budget)

(cf. 3220.1 - Lottery Funds)

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

(cf. 3110 - Transfer of Funds)

Audit Report

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

contains all information required by law and the Governmental Accounting Standards Board (GASB).

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3430 - Investing)

(cf. 3451 - Petty Cash Funds)

(cf. 3452 - Student Activity Funds)

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

If the district participates in the school district of choice program to accept interdistrict transfers, the Superintendent or designee shall notify the auditor, prior to the commencement of the audit, that the audit must include a review of the district's compliance with specified program requirements. (Education Code 48301)

(cf. 5117 - Interdistrict Attendance)

When required by federal law, specified records pertaining to the audit of federal funds received and expended by the district shall be transmitted to the federal clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the fiscal year, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (31 USC 7502)

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

Fund Balance

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose

Negative Balance Report

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

Non-Voter-Approved Debt Report

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

(cf. 7214 - General Obligation Bonds)

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County

FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

Other Postemployment Benefits Report (GASB 45)

In accordance with GASB Statement 45, the district's financial statements shall report the annual expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

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

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

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

The amount of the district's financial obligation for OPEBs shall be reevaluated every two or three years in accordance with GASB 45 depending on the number of members in the OPEB plan.

Workers' Compensation Claims Report

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3512(a)

EQUIPMENT

Note: The California School Accounting Manual distinguishes between "equipment" and "supplies" and defines equipment as having relatively permanent value (e.g., is serviceable for more than one year) and substantially increasing the value of the district's physical assets. Equipment is generally not of an expendable nature and does not easily deteriorate in use. Examples include computer systems, machinery, vehicles, and playground equipment.

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

(cf. 0440 - District Technology Plan)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3540 - Transportation)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5142 - Safety)
(cf. 5144 - Discipline)
(cf. 6000 - Concepts and Roles)
(cf. 6163.4 - Student Use of Technology)
(cf. 6171 - Title I Programs)

School-connected organizations may be granted reasonable use of the equipment for school-related matters as long as it does not interfere with the use by students or employees or otherwise disrupt district operations.

(cf. 1230 - School-Connected Organizations)
(cf. 1330 - Use of School Facilities)

Note: The following paragraph is optional. It is recommended that the district check its liability coverage for off-site use of district equipment and materials. Whenever an individual is authorized to borrow district equipment, he/she could be required to complete a form identifying the equipment and the intended use and indicating that the individual will assume responsibility for any loss or damage to the equipment. See the accompanying Exhibit for a sample form that may be used for this purpose.

The Superintendent or designee shall approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

EQUIPMENT (continued)

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds unless otherwise authorized by the Superintendent or designee or applicable Board policy.

Note: Education Code 35168 requires the district to maintain an inventory containing specified information for all equipment currently valued in excess of \$500. ~~For equipment purchased with federal funds, Although 34 CFR 80.3 and 80.32~~ **2 CFR 200.313-200.314** only require districts to maintain inventory records of tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit, ~~but the state's Federal Program Monitoring process reviews whether the district maintains an inventory record for every item of equipment with an acquisition cost of \$500 or more per unit that is purchased with state and/or federal categorical funds. CSBA recommends an inventory of all equipment currently valued in excess of \$500 in order to simplify the district's inventory procedures and to comply with law. Also see AR 3440 - Inventories.~~

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

(cf. 3440 - Inventories)

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or ~~34 CFR 80.32~~ **2 CFR 200.313**, as applicable.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Equipment Acquired with Federal Funds

Note: ~~Office of Management and Budget (OMB) guidance in OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments)~~ **2 CFR 200.313 and 200.439** requires a district receiving federal grant funds to obtain prior written approval from its awarding agency before incurring the cost of a capital expenditure **including general purpose equipment**; see AR 3230 - Federal Grant Funds. ~~Both the OMB guidance and generally accepted accounting principles identify equipment as a capital expenditure.~~

The Superintendent or designee shall obtain prior written approval from the California Department of Education or other awarding agency before purchasing equipment with federal funds. (**2 CFR 200.48, 200.313, 200.439**)

(cf. 3230 - Federal Grant Funds)

(cf. 3300 - Expenditures and Purchases)

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. (**2 CFR 200.313**; 5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good

EQUIPMENT (continued)

condition. He/she shall also develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (2 CFR 200.313; ~~34 CFR 80.32~~)

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (~~34 CFR 80.32-2~~ **CFR 200.313**)

*Legal Reference:***EDUCATION CODE**

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

17605 Delegation of authority to purchase supplies and equipment

35160 Authority of governing boards

35168 Inventory of equipment

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services

16023 Class 1 - Permanent records

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

200.0-200.521 Federal uniform grant guidance

~~**CODE OF FEDERAL REGULATIONS, TITLE 34**~~

~~80.1-80.52 Uniform administration requirements for grants to state and local governments~~

*Management Resources:***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

California School Accounting Manual

~~**OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS**~~

~~Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-87~~

WEB SITES

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

Office of Management and Budget: <https://www.whitehouse.gov/omb>

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Center USD

Administrative Regulation

Equipment

AR 3512

Business and Noninstructional Operations

Employees and/or students shall use district equipment only for school-related tasks. The Superintendent or designee shall ensure that all employees understand that personal use of district equipment is prohibited and that a violation may be cause for disciplinary action.

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 6163.4 - Student Use of Technology)

The district shall provide comparable basic equipment and supplies for all classes. When equipment cannot be supplied to every class, the Superintendent or designee shall ensure that it will be shared within and among the schools.

(cf. 6000 - Concepts and Roles)
(cf. 6171 - Title I Programs)

When school equipment is not being used by students or employees, school-connected organizations may be granted reasonable use of the equipment for school-related matters.

(cf. 1230 - School-Connected Organizations)
(cf. 1330 - Use of School Facilities)

The principal shall approve the removal of district-owned equipment from the school site. When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Transfer of Equipment to a New Site

Employees transferred to another school shall take with them only those personal items that have been purchased with their own funds. Items paid for by the district, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the districtwide instructional program.

Equipment and materials unique to a special program being moved to another site may be moved to the new location upon the approval of both principals.

Equipment Acquired by Federal Funds

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the district. (Code of Regulations, Title 5, Section 3946)

Each principal or designee shall ensure that the following management provisions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
2. Adequate maintenance procedures shall be developed to keep the property in good condition.

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

If equipment is used for a purpose other than that for which it was originally purchased, the inventory shall include a dated statement justifying its current use.

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services

16023 Class 1- Permanent records

UNITED STATES CODE, TITLE 20

6322 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administration requirements for grants to state and local governments

Regulation CENTER UNIFIED SCHOOL DISTRICT
approved: October 21, 1998 Antelope, California

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3513.3(a)

TOBACCO-FREE SCHOOLS

Note: Health and Safety Code 104420 mandates districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco and nicotine products anytime, anywhere in district-owned or leased buildings, on school or district property, and in district vehicles. The same prohibition is applicable to districts that do not receive TUPE funds pursuant to Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016).

~~Such~~ Districts receiving TUPE funds must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures.

~~At their discretion, districts that do not receive TUPE funds may modify this policy to limit the prohibition against smoking to only enclosed spaces, pursuant to Labor Code 6404.5 and 20 USC 6083.~~

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board prohibits **smoking and/or** the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, **104559**; ~~Labor Code 6404.5; 20 USC 6083~~)

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

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)

TOBACCO-FREE SCHOOLS (continued)

Note: State law does not define "tobacco products" for purposes of the district's tobacco-free schools policy. The CDE's web site recommends that a district's policy define "tobacco products" to include products containing tobacco or nicotine, including nicotine delivery devices such as electronic cigarettes, electronic hookah, and other vapor-emitting devices. Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), define products containing tobacco and nicotine as including smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and non-nicotine vaporized solutions. Education Code 48901, which prohibits smoking or tobacco use by students on campus, applies the definition of smoking and tobacco products specified in Business and Professions Code 22950.5, as amended by SBX2 5 (Ch. 7, Statutes of 2016). The following paragraphs reflect the more comprehensive definitions in Business and Professions Code 22950.5.

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

TOBACCO-FREE SCHOOLS (continued)

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

*Legal Reference:***EDUCATION CODE***48900 Grounds for suspension/expulsion**48901 Prohibition against tobacco use by students***BUSINESS AND PROFESSIONS CODE***22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions***HEALTH AND SAFETY CODE***39002 Control of air pollution from nonvehicular sources**104350-104495 Tobacco use prevention, especially:**104495 Prohibition of smoking and tobacco waste on playgrounds**104559 Tobacco use prohibition**119405 Unlawful to sell or furnish electronic cigarettes to minors***LABOR CODE***3300 Employer, definition**6304 Safe and healthful workplace**6404.5 Occupational safety and health; use of tobacco products***UNITED STATES CODE, TITLE 20***6083 Nonsmoking policy for children's services**7100-7117 Safe and Drug Free Schools and Communities Act**7111-7122 Student Support and Academic Enrichment Grants***CODE OF FEDERAL REGULATIONS, TITLE 21***1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors***PERB PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS***Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)**CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)**Management Resources:***WEB SITES***California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>**California Department of Education, Tobacco-Free School District Certification: <http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>**California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>**Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>**U.S. Environmental Protection Agency: <http://www.epa.gov>*

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Center USD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

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

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

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

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

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

TOBACCO-FREE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

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

PERB RULINGS

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

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

Management Resources:

WEB SITES

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

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

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

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

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

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

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

CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3513.3(a)

TOBACCO-FREE SCHOOLS

Notifications

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

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

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

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

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

(cf. 1113 - District and School Web Sites)

Note: Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), requires all districts to display signs prohibiting tobacco use, as provided below. ~~Districts that receive TUPE funds are required to display a sign as specified in Option 1 below. A district that does not receive TUPE funds may choose Option 1 if it prohibits use of tobacco on all district properties. However, if the district prohibits smoking only in enclosed spaces pursuant to Labor Code 6404.5, it should select Option 2.~~

OPTION 1: (Districts Receiving TUPE Funds)

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" ~~shall be~~ are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)

OPTION 2: (Districts Not Receiving TUPE Funds)

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

TOBACCO-FREE SCHOOLS (continued)

Enforcement/Discipline

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

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

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

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

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

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

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

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

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Center USD

Administrative Regulation

Tobacco-Free Schools

AR 3513.3

Business and Noninstructional Operations

Notifications

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

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

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

(cf. 1113 - District and School Web Sites)

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

Enforcement/Discipline

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

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

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

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

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

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

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3516.3(a)

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

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

Earthquake Preparedness

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

(cf. 0450 - Comprehensive Safety Plan)

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

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

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

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

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

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

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

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

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

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

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

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

Earthquake While Indoors at School

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

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

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

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

Earthquake While Outdoors on School Grounds

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

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

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

Earthquake While on the Bus

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

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

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

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

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

~~CALIFORNIA EMERGENCY MANAGEMENT AGENCY CALIFORNIA GOVERNOR'S OFFICE~~ OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty
Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

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

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

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

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

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

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

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

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

(7/07 3/11) 7/16

Center USD

Administrative Regulation

Earthquake Emergency Procedure System

AR 3516.3

Business and Noninstructional Operations

Earthquake Preparedness

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

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

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

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

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

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

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

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

Earthquake While Indoors at School

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

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and

other staff.

5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

Earthquake While Outdoors on School Grounds

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

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

Earthquake While on the Bus

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

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

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

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and

utility companies and shall confer with them regarding the advisability of closing the school.

7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.

8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

(cf. 1112 - Media Relations)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

CALIFORNIA EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

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

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

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

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

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

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

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

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

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

Regulation

approved: June 15, 2011

CENTER UNIFIED SCHOOL DISTRICT

Antelope, California

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3541.2(a)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

Note: Education Code 56195.8 mandates that entities providing special education adopt a policy which describes how special education transportation is coordinated with regular home-to-school transportation and sets forth criteria for meeting the transportation needs of special education students. The district should revise the following policy for consistency with the policy and regulations of the **special education local plan area** (SELPA) in which the district participates.

Pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) ~~and Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794)~~, districts are required to provide bus service to students with disabilities equivalent to that provided for students without disabilities. According to the U.S. Department of Education's (USDOE) Questions and Answers on Serving Children with Disabilities Eligible for Transportation, special education transportation may include travel to and from school and between schools, travel in and around school buildings, and specialized equipment such as special or adapted buses, lifts, and ramps. A student's individualized education program (IEP) team is responsible for determining if transportation is required to assist a student with a disability to benefit from special education and related services, and how the transportation services should be implemented. The California Department of Education's (CDE) Special Education Transportation Guidelines provides assistance to IEP teams with these decisions.

In addition, Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794; 34 CFR 104.4) requires districts to provide a free, appropriate public education to each qualified student with a disability. According to Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, available on the web site of the USDOE's Office for Civil Rights, an appropriate education for a student with a disability under Section 504 could consist of special education and related services, which might include transportation. The CDE's Special Education Transportation Guidelines recommends that district policy on the transportation of special education students also address the needs of students who may be eligible for transportation services under Section 504.

The Governing Board desires to meet the transportation needs of students with disabilities to enable them to benefit from special education and related services. ~~The Governing Board shall ensure that~~ The district shall provide appropriate transportation services ~~are provided for a students with disabilities as specified in~~ when the district is the student's district of residence and the transportation services are required by their his/her individualized education program (IEP) or Section 504 accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3540 - Transportation)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

~~The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.~~

Note: Education Code 56195.8 mandates that the district's policy set forth criteria for meeting the transportation needs of special education students. The CDE's Special Education Transportation Guidelines recommends that the IEP team give primary consideration to the specific needs of the student when making decisions about transportation services to be provided, and presents possible considerations which include, but are not limited to, those specified in the following paragraph. The following paragraph may be revised to reflect district practice.

The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

Note: Because the authority to make decisions regarding services for students with disabilities rests with the IEP team, the CDE's Special Education Transportation Guidelines recommends that IEP team leaders and members be provided with information regarding available district transportation resources. The guidelines also recommend that the IEP team identify with specificity the mode of transportation (e.g., walking/wheeling, riding the regular school bus, utilizing available public transportation, riding a special bus, being transported by parent/guardian) and when, from where, and to where transportation will be provided.

The Superintendent or designee shall provide IEP teams with information about district transportation services in order to assist them in making decisions as to the mode, schedule, and location of transportation services that may be available to each student with disabilities. The IEP team may communicate with district transportation staff and/or invite transportation staff to attend IEP team meetings where the student's transportation needs will be discussed.

~~**Note:** If a district charges transportation fees, the State Board of Education recommends, in Program Advisory LO:2-95, that Boards exempt from the fee only those special education students served under the IDEA whose IEP requires that transportation be provided. This policy reflects the interpretation offered in that advisory. Pursuant to Education Code 56040, a student who is eligible to receive special education instruction and related services must be provided such instruction and services at no cost. Special education transportation is defined in 34 CFR 300.34 as a related service. Thus, transportation fees may not be charged to students whose IEP requires the provision of transportation services, even if the district charges transportation fees to other students. See BP 3250 - Transportation Fees.~~

Transportation services specified in a student's IEP or Section 504 plan shall be provided at no cost to the student or his/her parent/guardian.

(cf. 3250 - Transportation Fees)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

Note: Education Code 48915.5 provides that the district must provide alternative transportation at no cost whenever a disabled student is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason. ~~Alternative transportation could be provided by contracting with a private carrier, by reimbursing mileage expenses to the parent/guardian who transports the student to and from school, or any other appropriate method; see BP/AR 3540 - Transportation.~~ If a student receiving special education services is excluded from transportation as a disciplinary measure and is not provided another mode of transportation, it may constitute a significant change of placement which would require a meeting of the IEP team to review the student's IEP.

If ~~the disabled~~ a student whose IEP or accommodation plan specifies transportation needs is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason, the district shall provide alternative transportation at no cost to the student or parent/guardian ~~provided that transportation is specified in the student's IEP.~~ (Education Code 48915.5)

(cf. 5131.1 - Bus Conduct)

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

Note: The following paragraph is for use by single-district SELPAs or districts that contract individually with nonpublic, nonsectarian schools or agencies.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

Note: ~~Federal regulations~~ (34 CFR 104.4) provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. The following optional paragraph is intended to prevent such discrimination in the area of transportation.

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

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

(cf. 3541 - Transportation Routes and Services)

Note: Education Code 56195.8 mandates the Board's policy to include procedures ensuring compatibility between mobile seating devices, when used, and the securement systems required by federal law (49 CFR 571.222). The following paragraph ~~directs the Superintendent or designee to develop such procedures~~ may be revised to reflect district practice.

Education Code 56195.8 also requires the Board's policy to ensure that bus drivers are trained in the proper installation of mobile seating devices; see AR 3542 - School Bus Drivers for language fulfilling this mandate.

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

The Superintendent or designee shall establish procedures to ensure compatibility between that any mobile seating devices used on district buses and are compatible with bus securement systems required by 49 CFR 571.222. (Education Code 56195.8)

(cf. 3542 - School Bus Drivers)

As necessary, a student with disabilities may be accompanied on school transportation by a service animal, as defined in 28 CFR 35.104, including a specially trained guide dogs, signal dogs, and or service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers, or persons training the dogs. (Education Code 39839; Civil Code 54.1-54.2; 28 CFR 35.136)

(cf. 6163.2 - Animals at School)

When transportation is not specifically required by the IEP or Section 504 plan of a student with disabilities, the student shall be subject to the rules and policies regarding regular transportation offerings within the district.

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation cost
39839 Guide dogs, signal dogs, and service dogs on bus
41850-41854 Allowances for transportation
48300-48315 Alternative interdistrict attendance program
48915.5 Expulsion of students with exceptional needs
56040 No cost for special education and related services
56195.8 Adoption of policies
56327 Assessment for special education and related services
56345 Individualized education program
56366 56365-56366.1 Nonpublic nonsectarian schools or agencies
56366.1 Waiver of requirements under section 56365 and 56366

CIVIL CODE

54.1-54.2 Service animals

CODE OF REGULATIONS, TITLE 5

~~15050 Transfer of funds to child development fund and development center for handicapped pupils fund~~

15243 Physically handicapped minors

15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

Legal Reference continued: (see next page)

TRANSPORTATION FOR STUDENTS WITH DISABILITIES (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education Transportation Guidelines

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

~~**0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)**~~

~~**0500.92 Implementation of Special Education Transportation Apportionment (#92-02)**~~

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, 2009

Questions and Answers on Serving Children with Disabilities Eligible for Transportation, 2009

WEB SITES

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

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

Center USD

Board Policy

Transportation For Students With Disabilities

BP 3541.2

Business and Noninstructional Operations

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3250 - Transportation Fees)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

(cf. 3540 - Transportation)

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 3541 - Transportation Routes and Services)

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

(cf. 3542 - School Bus Drivers)

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation cost

39839 Guide dogs, signal dogs and service dogs on bus

41850-41854 Allowances for transportation

48300-48315 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56221 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program
56366 Nonpublic nonsectarian schools or agencies
56366.1 Waiver of requirements under section 56365 and 56366
CODE OF REGULATIONS, TITLE 5
15050 Transfer of funds to child development fund and development center for handicapped pupils fund
15243 Physically handicapped minors
15271 Exclusion from report
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
CODE OF FEDERAL REGULATIONS, TITLE 34
104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 49
571.222 Federal requirements for bus securement systems

Management Resources:

CDE MANAGEMENT ADVISORIES

0500.92 Implementation of Special Education Transportation Apportionment (#92-02)

CDE PROGRAM ADVISORIES

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

Policy
adopted: March 18, 1998

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Delete

Center USD

Administrative Regulation

Transportation For Students With Disabilities

AR 3541.2

Business and Noninstructional Operations

Transportation for students with disabilities shall be provided in accordance with a student's Individualized Education Program (IEP) or Section 504 accommodation plan.

(cf. 3540 - Transportation)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

If a disabled student is excluded from school bus transportation, the district shall provide alternative transportation at no cost to the student or parent/guardian provided that transportation is specified in the student's IEP. (Education Code 48915.5)

(cf. 5131.1 - Bus Conduct)

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

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs. (Education Code 39839)

Regulation

approved: October 1, 2003

CENTER UNIFIED SCHOOL DISTRICT

Antelope, California

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3553(a)

FREE AND REDUCED PRICE MEALS

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

The requirement to provide at least one nutritionally adequate meal to needy students applies during summer school sessions unless the district receives a waiver from the State Board of Education (SBE) under the conditions described in Education Code 49548. In order to receive a waiver, the district is required to submit a waiver request no later than 60 days before the last regular meeting of the SBE before the start of the summer school session for which the waiver is sought. Funding to support the provision of summer school meals is available through the Seamless Summer Feeding Option and/or Summer Food Service Program (Education Code 49547.5; 42 USC 1761); see BP/AR 3552 - Summer Meal Program.

Student eligibility for free and reduced-price meals serves as the basis for identifying students as low income for a variety of purposes, including, but not limited to, state allocations of supplemental and concentration funding within the local control funding formula. Districts must use such funding to increase or improve services for low-income students and other populations of "unduplicated students" (see BP/AR 3100 - Budget) and must establish goals and specific actions for low-income students in the local control and accountability plan (see BP/AR 0460 - Local Control and Accountability Plan).

The following policy is **mandated** for any district that authorizes employee access to students' free and reduced-price meal eligibility information for the disaggregation of academic achievement data and other specified purposes; see section "Confidentiality/Release of Records" below.

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

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

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

FREE AND REDUCED PRICE MEALS (continued)

Note: In order to be reimbursed for free and reduced-price meals, a school must meet federal and/or state nutritional guidelines in 7 CFR 210.10 and 220.8 and Education Code 49430 and 49430.7, as described in AR 3550 - Food Service/Child Nutrition Program.

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

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

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

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

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

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

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

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

(cf. 5125 - Student Records)

Note: The remainder of this section should be revised to reflect the purposes for sharing free and reduced-price eligibility information that are authorized by the Governing Board. Districts wishing to use free and reduced-price meal records for the following purposes are **mandated by Education Code 49558** to adopt a policy authorizing employee access. See the accompanying administrative regulation for additional requirements applicable to districts that authorize such access.

FREE AND REDUCED PRICE MEALS (continued)

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

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

Note: Education Code 49558 allows districts to use the name and eligibility status of students participating in the free and reduced-price meal program to identify students eligible for school choice and supplemental educational services (SES) in Title I schools identified for program improvement. However, the Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required the provision of student transfers and SES. In lieu of SES, beginning in the 2016-17 school year, districts are required pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan to provide alternative supports, defined and administered by the district, to eligible students (i.e., students who would have been eligible for SES in schools with the greatest need). See BP/AR 0520.2 - Title I Program Improvement Schools and BP 6179 - Supplemental Instruction. Although Education Code 49558 has not yet been amended to reflect the repeal of 20 USC 6316 and does not expressly authorize the use of free and reduced-price meal information to determine students' eligibility for alternative supports, CSBA believes that the use of such information would be necessary to determine student's eligibility for alternative supports. The district should consult legal counsel if it has questions about the use of free and reduced-price meal information for these or other purposes.

2. **Identification of students eligible for alternative supports** in any school identified as a Title I program improvement school ~~pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services~~

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

Note: According to CDE Management Bulletin SNP-12-2015, Education Code 49558 does not prohibit the sharing of free and reduced-price meal application information to other districts/schools for the purpose of determining students' eligibility. The district may provide only the student's name and eligibility status unless the applicant consents to the sharing of additional information.

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations. (Education Code 49558)

FREE AND REDUCED PRICE MEALS (continued)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. He/she also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6 - School Health Services)

*Legal Reference:*EDUCATION CODE

48980 Notice at beginning of term

49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

Legal Reference continued: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

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

WELFARE AND INSTITUTIONS CODE

14005.41 Basic health care

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015

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

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

Center USD

Board Policy

Free And Reduced Price Meals

BP 3553

Business and Noninstructional Operations

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

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer School)

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

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

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

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

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

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

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

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

If a student transfers from the district to another district or to a private school, the Superintendent or designee may release the student's eligibility status or a copy of his/her

free and reduced-price meal application to the other district or school to assist in the continuation of the student's meal benefits.

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

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

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5125 - Student Records)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6171 - Title I Programs)

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

(cf. 5141.6 - School Health Services)

In addition, information on the school lunch program application may be released to the local agency that determines eligibility for participation in the CalFresh program or other nutrition assistance program, provided the student whose information is to be released is approved for free or reduced-price meals and his/her parent/guardian consents to the sharing of the information. Prior to releasing information to any such local agency, the Superintendent or designee and the local agency shall enter into a memorandum of understanding that, at a minimum, shall include the roles and responsibilities of the district and the local agency, the process for sharing the information, and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program. (Education Code 49557.3, 49558)

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

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

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

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

Management Resources: (see next page)

Management Resources:

CSBA PUBLICATIONS

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

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

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

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

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

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

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

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

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

CSBA Sample

Administrative Regulation

Business and Noninstructional Operations

AR 3553(a)

FREE AND REDUCED PRICE MEALS

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

Applications

Note: The California Department of Education's (CDE) Management Bulletin USDA-SNP-07-2010 clarifies that it is the responsibility of the district to ensure that applications for free and reduced-price meals and free milk meet the requirements of law. Model application forms are available from the CDE in several formats and in both English and Spanish.

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

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

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

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph may be revised to reflect district practice. In addition to the paper application form described above, Education Code 49557, as amended by SB 708 (Ch. 390, Statutes of 2015), authorizes districts to make the application for free or reduced-price meals available online. Any such online application must comply with specific requirements, including, but not limited to, the provision of clear instructions for families that are homeless or are migrants.

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

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

FREE AND REDUCED PRICE MEALS (continued)

An application form and related information shall also be provided whenever a new student is enrolled.

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

Eligibility

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

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

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

Note: Pursuant to 42 USC 1758, districts must directly certify for enrollment in the free and reduced-price meals program students who participate in the CalFresh program or California Work Opportunity and Responsibility to Kids (CalWORKs) program. 42 USC 1758 also authorizes, but does not require, districts to directly certify as eligible a student who is homeless, migratory, or a foster youth. For purpose of direct certification, districts may obtain data through the California Longitudinal Pupil Achievement Data System (CALPADS) or may enter into a local agreement with the county department of social or welfare services to match enrollment data. Pursuant to Education Code 49561 and 42 USC 1758, no additional application or further action is required by the household of students who are directly certified. Further information about direct certification and other eligibility issues is available in the USDA's Eligibility Guidance for School Meals Manual.

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

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

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6175 - Migrant Education Program)

FREE AND REDUCED PRICE MEALS (continued)

Verification of Eligibility

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

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

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

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

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

Confidentiality/Release of Records

Note: The following section is for use by districts that have adopted a policy, pursuant to Education Code 49558, allowing district employees to use individual records of students eligible for the free and reduced-price meals program for the purpose of disaggregation of academic achievement data and, **although not expressly authorized by law**, for the identification of students eligible for ~~public school choice and~~

FREE AND REDUCED PRICE MEALS (continued)

~~supplemental educational services~~ **alternative supports** in schools identified for program improvement pursuant to ~~20 USC 6316~~. See the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

It is recommended that the district designate by name or job title the employee(s) authorized to use records for these purposes. Districts should identify the specific title(s) of the designated employee(s) in the space provided below, such as Title I Coordinator.

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

Director of Personnel & Student Services

In using the records for such purposes, the Superintendent or designee shall ensure that: (Education Code 49558)

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

(cf. 5125 - Student Records)

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

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

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

Nondiscrimination Plan

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

FREE AND REDUCED PRICE MEALS (continued)

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

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

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

Prices

Note: The following section is for use by districts that provide reduced-price meals to students through the National School Lunch and/or Breakfast Program pursuant to 42 USC 1758 and 1773.

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

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Center USD

Administrative Regulation

Free And Reduced Price Meals

AR 3553

Business and Noninstructional Operations

Applications

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

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

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

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

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

(cf. 1112 - Media Relations)

Eligibility

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

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

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

Verification of Eligibility

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

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

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

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

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

Confidentiality/Release of Records

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

Chief Administrative Officer, Curriculum and Instruction

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

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

(cf. 5125 - Student Records)

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

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

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

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

Nondiscrimination Plan

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

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.

2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.

3. The students shall not be required to work for their meals or for milk.

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

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

(cf. 3555 - Nutrition Program Compliance)

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

Prices

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

Regulation
approved: June 15, 2011

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3555(a)

NUTRITION PROGRAM COMPLIANCE

Note: The following policy is mandated for any district whose child nutrition programs that receives federal financial assistance for its participation in the (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. 5 CCR 4621 mandates that districts adopt uniform complaint procedures for the investigation and resolution of specified types of complaints, and 5 CCR 4610 makes those procedures applicable to allegations of unlawful discrimination, harassment, intimidation, bullying, or violation of state or federal laws governing educational programs, including child nutrition programs. See BP/AR 1312.3 - Uniform Complaint Procedures. Districts that do not receive any such financial assistance may delete this policy.

State and federal law prohibit discrimination in such programs. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. Education Code 220 prohibits discrimination on all these bases and, in addition, on the basis of sexual orientation in all programs and activities in public schools.

The U.S. Department of Agriculture, Food and Nutrition Service (FNS) has authority to enforce federal laws in all nutrition programs and activities that receive federal funds. The California Department of Education (CDE) may also investigate complaints regarding discrimination through the uniform complaint procedures; see BP/AR 1312.3 - Uniform Complaint Procedures.

Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, national origin, ethnic group, age, religion, marital or parental status, disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics. See BP 0410 - Nondiscrimination in District Programs and Activities. 7 CFR 210.23, 215.7, and 220.7 specify that children must not be denied benefits or discriminated against in child nutrition programs on the basis of race, color, national origin, sex, age, or disability, and complaints alleging discrimination on any of these bases may be investigated by the California Department of Education (CDE) or the U.S. Department of Agriculture, Food and Nutrition Service (FNS).

The CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other on any basis prohibited by law, in its implementation of such a program.

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

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

NUTRITION PROGRAM COMPLIANCE (continued)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Coordinator

Note: In March 2010, The CDE's Nutrition Services Division's published its Civil Rights and Complaint Procedures for the Child Nutrition Programs to provide guidance and directions to enable districts comply with federal law. The publication was based on FNS's Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, issued in 2005. According to the CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs, districts are required to appoint a civil rights coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

The Board designates the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as **the district's civil rights** coordinator of the district's efforts to comply to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints.

~~The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.~~

~~The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.~~

~~*(cf. 5022 - Students and Family Privacy Rights)*~~

~~*(cf. 5125 - Student Records)*~~

~~When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.~~

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

~~*(cf. 6020 - Parent Involvement)*~~

~~*(cf. 6174 - English Language Learners)*~~

~~The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.~~

NUTRITION PROGRAM COMPLIANCE (continued)

(cf. 5141.27—Food Allergies/Special Dietary Needs)
(cf. 6159—Individualized Education Program)
(cf. 6164.6—Identification and Education Under Section 504)

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs.

The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. **Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties**

(cf. 6164.6 - Identification and Education Under Section 504)

2. **Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff**

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. **Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs**

(cf. 6159 - Individualized Education Program)

4. **Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants**
5. **Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below**

NUTRITION PROGRAM COMPLIANCE (continued)

- 6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency**
- 7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities**
- 8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet**

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

- 9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint**

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

- 10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants**

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

Notifications

~~The coordinator shall ensure that~~ The U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster ~~or other approved Nutrition Programs civil rights posters are or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed~~ in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

NUTRITION PROGRAM COMPLIANCE (continued)

~~Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification. The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.~~

~~(cf. 4112.9/4212.9/4312.9 - Employee Notifications)~~
 (cf. 5145.6 - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, FNS requires that ~~every program publication~~ all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS provides specific language for the notification and prohibits its modification in any way. The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.

~~In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities all forms of communication available to the public regarding program availability includes,shall contain,~~ in a prominent location, the following statement:

~~"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.~~

~~To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."~~

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

NUTRITION PROGRAM COMPLIANCE (continued)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;**
- (2) fax: (202) 690-7442; or**
- (3) email: program.intake@usda.gov.**

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

~~However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement~~ A short version of the nondiscrimination statement, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in ~~the section entitled "Procedures" in the district's~~ AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

NUTRITION PROGRAM COMPLIANCE (continued)

When a complaint **alleging discrimination of the basis of race, color, national origin, sex, age, or disability** is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room ~~1500~~**4503**, Sacramento, CA 95814-2342 or call ~~916-445-0850~~ **(916) 323-8531** or (800) 952-5609
- ~~2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov~~
- ~~3-2.~~ **USDA, Director, Office of Civil Rights U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, or call 800-795-3272 or 202-720-6382 (TTY) (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.**

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

Legal Reference continued: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, March 2010-rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January 1999, August 2010

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Center USD

Board Policy

Nutrition Program Compliance

BP 3555

Business and Noninstructional Operations

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

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

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Coordinator

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
(cf. 6174 - English Language Learners)

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Notifications

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500,

Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609

2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov

3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION
PUBLICATIONS**

Civil Rights and Complaint Procedures for Child Nutrition Programs, March 2010

**U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE
PUBLICATIONS**

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

WEB SITES

California Department of Education, Nutrition Services Division:

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

CSBA Sample

Board Policy

Business and Noninstructional Operations

BP 3580(a)

DISTRICT RECORDS

Note: The following **optional** policy and accompanying administrative regulation address the classification and retention of district records pursuant to 5 CCR 16020-16027 and may be modified to reflect district practice. For more information about personnel records, including the contents and retention of such records pursuant to 5 CCR 16023, see AR 4112.6/4212.6/4312.6 - Personnel Files. For additional requirements pertaining to student records, including the contents and retention of such records pursuant to Education Code 49069, 5 CCR 430-433, and the Family Educational Rights and Privacy Act (20 USC 1232g and 34 CFR 99.1-99.8), see BP/AR 5125 - Student Records. For requirements pertaining to public access to certain records in accordance with the California Public Records Act (Government Code 6251-6270), see BP/AR 1340 - Access to District Records.

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3440 - Inventories)

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

(cf. 5125 - Student Records)

Note: 5 CCR 16020 defines a "record" as any paper or document which the district is required to maintain or which the district prepares or maintains as necessary to the discharge of official duty. 5 CCR 16022 requires the Superintendent or designee to annually review and classify these records in order to determine the length of time for which they must be retained. Depending on their content, electronic communications such as email, voicemail, and text messages may also be considered "records" and thus are subject to the same classification and retention schedule as paper documents.

Code of Civil Procedure 1985.8 (the California Electronic Discovery Act) and 2031.010 make the procedural rules requiring the disclosure of documents to the opposing party in litigation applicable to electronically stored information. These state rules are similar to federal Rules of Civil Procedure that apply to actions in federal courts and which also include provisions related to electronically stored information. In general, the rules require parties in litigation to identify and disclose potentially relevant electronic information and, upon notification by district legal counsel of pending or anticipated litigation, halt the routine destruction of paper or electronic records (e.g., suspend automatic monthly erasure of back-up tapes) that could be potentially relevant (a "litigation hold").

It is important that districts have an efficient and consistent system in place for discarding those documents, including email, that are not considered "records." Such a system may help reduce storage costs and prevent unnecessary disclosure. For example, Government Code 6254 exempts from disclosure "preliminary drafts" not retained by the district. The purpose of this exemption is to allow a measure of confidentiality for pending district action. However, if preliminary drafts are not regularly discarded, then they may be considered a "record" that has been retained by the district and thus subject to disclosure under the Public Records Act.

DISTRICT RECORDS (continued)

The following optional paragraph, which may be revised to reflect district practice, directs the Superintendent or designee to create a document management system which includes a process for the storage and destruction of electronic materials. Each district will need to do an analysis of the type of system needed based on the size of the district, number of school sites, number of employees, and the type, practice, and capability of the district's information technology system.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. 0440 - District Technology Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~Note: Since districts collect and retain personal information of students, parents/guardians, and employees in the normal conduct of district business, it is important to establish some safeguards against unauthorized release of such personal information and to prevent crimes such as identity theft, as provided in the following optional paragraph, which may be revised to reflect district practice:~~

~~In the event of any known or reasonably suspected breach of the security of district records containing confidential personal information including, but not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account, the Superintendent or designee shall immediately notify local law enforcement agencies and any affected persons. Notification of affected individuals may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation.~~

DISTRICT RECORDS (continued)

Note: Pursuant to Civil Code 1798.29, districts are required to disclose any breach of security of any records that contain personal information, as defined. The required formatting and contents of the notification are detailed in Civil Code 1798.29. A district may maintain its own notification procedure as part of an information security policy provided that the notification is consistent with the requirements in Civil Code 1798.29 regarding timing of the notification.

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

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

(cf. 5145.6 - Parental Notifications)

Safe at Home Program

Note: The Secretary of State's Safe at Home program creates a confidential address and mail-forwarding program for victims of domestic violence, stalking, or sexual assault. Government Code 6207 provides that, when creating a public record, the district must not include actual residences of students, parents/guardians, or employees when a substitute address is designated through the Safe at Home program. Districts are required to accept the program participation card issued by the Secretary of State and to substitute a post office box as the participant's address.

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

Note: According to the Secretary of State, a participant's confidential, actual address may only be used to establish student enrollment eligibility and for school emergency purposes. Pursuant to Government Code 6207, a participant's confidential, actual address is not a public record and should not be made available to anyone under any circumstances. See also AR 5111.1 - District Residency.

DISTRICT RECORDS (continued)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

49069 Absolute right to access

CIVIL CODE

1798.29 Breach of security involving personal information

CODE OF CIVIL PROCEDURE

1985.8 Electronic Discovery Act

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

430 Individual student records; definition

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy Act

Management Resources:

WEB SITES

California Secretary of State: <http://www.sos.ca.gov/safeathome>

(11/09 4/13) 5/16

Center USD

Board Policy

District Records

BP 3580

Business and Noninstructional Operations

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3440 - Inventories)

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. 0440 - District Technology Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE PUBLICATIONS

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov/safeathome>

Policy
adopted: February 17, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample

Board Policy

Certificated Personnel

BP 4112.2(a)

CERTIFICATION

Note: Under the authority granted by Education Code 44252, the Commission on Teacher Credentialing (CTC) establishes standards and procedures for the issuance and renewal of multiple subject, single subject, education specialist, and other credentials, certificates, and permits and approves applications. Pursuant to Education Code 44251, a preliminary credential is generally valid for five years, during which time the employee must complete the requirements for the clear credential in order to continue to serve in a certificated position. The clear credential must be renewed every five years, but renewal does not require completion of additional coursework or service requirements.

Assignment to certain positions within the district may require additional qualifications. For example, see AR 4112.22 - Staff Teaching English Language Learners, AR 4112.23 - Special Education Staff, ~~BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act~~, and BP/AR 4113 - Assignment.

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

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

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

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

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

The Superintendent or designee ~~may~~ **shall** provide assistance and support to teachers holding preliminary credentials to ~~help~~ **enable** them to meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

CERTIFICATION (continued)

Priorities for Hiring Based on Unavailability of Credentialed Teacher

Note: When the district is unable to hire a "fully prepared" teacher who has completed a teacher preparation program (i.e., a teacher who holds a clear or preliminary teaching credential), Education Code 44225.7 permits the district to hire a teacher without those credentials. Education Code 44225.7 establishes a hierarchy for such hires, as provided in items #1-3 below.

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

Note: Pursuant to Education Code 44225.7, if a credentialed teacher is not available, priority must be given to employing an individual who is enrolled in an approved intern program, as provided in item #1 below. CTC Coded Correspondence 13-01 clarifies that such an individual must possess a CTC-issued intern credential.

1. A candidate who ~~is qualified to participate in and~~ enrolls in an approved intern program in the region of the district **and possesses an intern credential**

Note: Pursuant to Education Code 44225.7, next priority for filling a position should be for a candidate who is scheduled to complete preliminary credential requirements within six months, as provided in item #2 below. CTC Coded Correspondence 13-01 clarifies that such an individual must qualify for and obtain a provisional internship permit (PIP) or short-term staff permit (STSP).

Pursuant to 5 CCR 80021-80021.1, the district may employ persons with an STSP when needed to immediately staff classrooms based on unforeseen circumstances, or a PIP when the district has conducted a diligent search but has been unable to recruit a credentialed teacher. ~~As amended by Register 2013, No. 28; 5 CCR 80021.1 provides that the PIP shall be issued for one year and is not renewable.~~ Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

Note: 5 CCR 80021.1 requires that a notice of intent to employ a person with a PIP be made public as described in the following paragraph. A copy of the agenda item and the Superintendent or designee's verification of the Governing Board's favorable action must be included as part of the application to the CTC along with other required verifications; see the accompanying administrative regulation.

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CERTIFICATION (continued)

Note: Pursuant to Education Code 44225.7, when the district is unable to recruit a credentialed teacher or a teacher who meets the qualifications specified in items #1-2 above, it may request that the CTC issue a "variable term" credential waiver (Education Code 44225; 5 CCR 80120-80125) or a long-term emergency permit (Education Code 44300; 5 CCR 80023-80026.6), as provided in item #3 below.

The STSP and PIP have replaced multiple subject, single subject, and education specialist emergency permits, but the CTC continues to issue the emergency resource specialist permit (5 CCR 80024.3.1), emergency teacher librarian services permit (5 CCR 80024.6), emergency crosscultural, language and academic development permit (5 CCR 80024.8), and emergency bilingual authorization permit (5 CCR 80024.7). Pursuant to 5 CCR 80023.1, as amended by Register 2013, No. 28, an emergency permit may be renewed for up to two additional one-year periods (for a maximum of three years of service).

3. ~~As a last resort,~~ An individual who holds an emergency permit ~~issued by the CTC~~ or for whom a credential waiver has been granted by the CTC

Note: Pursuant to 5 CCR 80023.2, 80026, and 80027-80027.1, the Board must annually approve a Declaration of Need for Fully Qualified Educators prior to hiring a person with an emergency permit or a limited assignment permit to teach outside his/her area of certification. The form for the Declaration of Need is available in the CTC's online Credential Information Guide, which may be accessed only by employers. Pursuant to 5 CCR 80026, the Declaration of Need must be approved at a regularly scheduled public Board meeting and is valid for up to 12 months, expiring on June 30 following its submission to CTC.

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled public Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-#2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

CERTIFICATION (continued)**National Board for Professional Teaching Standards Certification**

Note: The following optional section may be revised to reflect district practice. The National Board for Professional Teaching Standards (NBPTS) offers teachers a voluntary, rigorous advanced certification process to demonstrate professional accomplishment. Some districts provide fee support to teachers seeking this certification.

~~AB 97 (Ch. 47, Statutes of 2013) eliminated state categorical funding (Education Code 44395-44399.1) designated for providing one-time incentive awards to NBPTS-certificated teachers who agree to teach at least 50 percent of a full-time position at a high-priority school (i.e., a school ranked in the bottom half of the Academic Performance Index) for at least four years.~~

The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. In accordance with the collective bargaining agreement and the district budget, the Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program.

(cf. 4161.3 - Professional Leaves)

Parental Notifications

Note: The following section is for use by districts that receive federal Title I funds, and may be used or adapted by other districts at their discretion.

20 USC 6312 requires districts receiving federal Title I funds to provide the following annual notification to parents/guardians of students in any school receiving Title I funds. Such districts may choose to provide the same notification to all schools, regardless of whether or not they receive Title I funds. As amended by the Every Student Succeeds Act (P.L. 114-95), 20 USC 6312 no longer requires the notification to include the right of parents/guardians to request information about a teacher's baccalaureate major or graduate certification or degree held by the teacher.

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. **Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction**
2. **Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived**

CERTIFICATION (continued)

3. Is teaching in the field of discipline of his/her certification

(cf. 5145.6 - Parental Notifications)

Note: As amended by P.L. 114-95, 20 USC 6312 requires the following notice to parents/guardians whenever a student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements.

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Legal Reference: (see next page)

CERTIFICATION (continued)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*
32340-32341 *Unlawful issuance of a credential*
35186 *Complaints regarding teacher vacancy or misassignment*
44066 *Limitations on certification requirements*
44200-44399.1 *Teacher credentialing, especially:*
44250-44277 *Credential types; minimum requirements*
44300-44302 *Emergency permit*
44325-44328 *District interns*
44330-44355 *Certificates and credentials*
44420-44440 *Revocation and suspension of credentials*
44450-44468 *University intern program*
44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*
56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

~~6100-6126 *Teacher qualifications, No Child Left Behind Act*~~

80001-80674.6 *Commission on Teacher Credentialing*

UNITED STATES CODE, TITLE 20

6312 *Title I local educational agency plans; notifications regarding teacher qualifications*

~~6319 *Highly qualified teachers*~~

~~7801 *Definitions, highly qualified teacher*~~

CODE OF FEDERAL REGULATIONS, TITLE 34

200.61 *Parent notification regarding teacher qualifications*

~~200.55-200.57 *Highly qualified teachers*~~

COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-667 *Basic Skills Requirement*

CL-856 *Provisional Internship Permit*

CL 858 *Short-Term Staff Permit*

13-01 *Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013*

Subject Matter Authorization Guideline Book, 2012

Supplementary Authorization Guideline Book, 2012

California Standards for the Teaching Profession, 2009

The Administrator's Assignment Manual, rev. September 2007

WEB SITES

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

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

Commission on Teacher Credentialing, *Credential Information Guide (for employers' use only):*

<http://www.ctc.ca.gov/credentials/cig>

National Board for Professional Teaching Standards: <http://www.nbpts.org>

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

(11/08 8/14) 7/16

Center USD

Board Policy

Certification

BP 4112.2

Personnel

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

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

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

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

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

The Superintendent or designee may provide assistance and support to teachers holding preliminary credentials to help them meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved intern program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CERTIFICATION (continued)

3. As a last resort, an individual who holds an emergency permit issued by the CTC or for whom a credential waiver has been granted by the CTC

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled public Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. In accordance with the collective bargaining agreement and the district budget, the Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program.

(cf. 4161.3 - Professional Leaves)

CERTIFICATION (continued)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*
32340-32341 *Unlawful issuance of a credential*
35186 *Complaints regarding teacher vacancy or misassignment*
44066 *Limitations on certification requirements*
44200-44399.1 *Teacher credentialing, especially:*
44250-44277 *Credential types; minimum requirements*
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44325-44328 *District interns*
44330-44355 *Certificates and credentials*
44420-44440 *Revocation and suspension of credentials*
44450-44468 *University intern program*
44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*
56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

6100-6126 *Teacher qualifications, No Child Left Behind Act*
80001-80674.6 *Commission on Teacher Credentialing*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*
7801 *Definitions, highly qualified teacher*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 *Highly qualified teachers*
200.61 *Parent notification regarding teacher qualifications*

COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-667 *Basic Skills Requirement*
CL-856 *Provisional Internship Permit*
CL 858 *Short-Term Staff Permit*
13-01 *Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013*
Subject Matter Authorization Guideline Book, 2012
Supplementary Authorization Guideline Book, 2012
California Standards for the Teaching Profession, 2009
The Administrator's Assignment Manual, rev. September 2007

WEB SITES

CSBA: <http://www.csba.org>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
Commission on Teacher Credentialing, *Credential Information Guide (for employers' use only)*:
<http://www.ctc.ca.gov/credentials/cig>
National Board for Professional Teaching Standards: <http://www.nbpts.org>
U.S. Department of Education: <http://www.ed.gov>

Delete

Center USD

Board Policy

Teacher Qualifications Under The No Child Left Behind Act

BP 4112.24

Personnel

Recognizing the importance of teacher effectiveness in improving student achievement, the Governing Board desires to recruit and hire teachers for core academic subjects who possess the subject matter knowledge and teaching skills required by the federal No Child Left Behind Act (NCLB).

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

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

(cf. 4112.23 - Special Education Staff)

(cf. 6171 - Title I Programs)

All teachers employed to teach core academic subjects shall be "highly qualified" as defined by federal law and the State Board of Education. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

The Superintendent or designee shall inform teachers of NCLB requirements and shall identify additional qualifications, if any, that individual teachers need to demonstrate in order to meet the requirements. He/she shall work with individual teachers to develop a plan for attaining full qualifications.

The Superintendent or designee shall monitor the distribution of "highly qualified" teachers among district schools and develop strategies, as needed, to encourage teachers who meet NCLB requirements to teach in schools with the lowest student performance.

(cf. 0520.1 - High Priority Schools Grant Program)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.4 - Quality Education Investment Schools)

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4138 - Mentor Teachers)

The Superintendent or designee shall report to the Board on the progress of the district's teachers toward becoming fully qualified. Such reports shall include, but need not be limited to, the percentage of teachers in core academic subjects, districtwide and at each school, who meet the definition of a "highly qualified" teacher in accordance with federal law, and the percentage of teachers who are receiving professional development to enable them to satisfy this definition. (20 USC 6319)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction)

Legal Reference:

EDUCATION CODE

44500-44508 Peer Assistance and Review Program for Teachers

44662 Performance evaluation; Stull Act review

44664 Teacher evaluation; program to improve performance

44865 Alternative programs

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staff permit

80021.1 Provisional internship permit

80089.3-80089.4 Subject matter authorizations

UNITED STATES CODE, TITLE 20

1401 Definition of highly qualified special education teacher

6311 Parental notifications

6312 Title I local educational agency plan

6314 Schoolwide programs

6315 Targeted assistance schools

6319 Highly qualified teachers

7345-7345b Small Rural Schools Achievement Program

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

300.18 Highly qualified special education teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings, January 2007

NCLB Teacher Requirements Resource Guide, March 1, 2004

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001

California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, revised October 5, 2006

New No Child Left Behind Flexibility: Highly Qualified Teachers, Fact Sheet, March 15, 2004

WEB SITES

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

California Department of Education, NCLB Teacher Quality:

<http://www.cde.ca.gov/nclb/sr/tq>

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

U.S. Department of Education, No Child Left Behind: <http://www.ed.gov/nclb>

Policy
adopted: October 15, 2008

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Delete

Center USD

Administrative Regulation

Teacher Qualifications Under The No Child Left Behind Act

AR 4112.24

Personnel

Definitions

Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. (20 USC 7801)

Hard-to-staff setting means a middle or high school classroom eligible for the federal Small Rural Schools Achievement Program, a middle or high school special education classroom, or a middle or high school alternative education program as specified in Education Code 44865, including home teaching, hospital classes, necessary small high schools, continuation schools, alternative schools, opportunity schools, juvenile court schools, county community schools, and district community day schools. (5 CCR 6100)

(cf. 6181 - Alternative Schools)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

High Objective Uniform State Standard Evaluation (HOUSSE) is a method of determining a teacher's subject matter competence using forms developed by the California Department of Education (CDE). HOUSSE Part 1 consists of a summation of the teacher's years of experience, coursework, professional development, and service to the profession. HOUSSE Part 2, to be conducted only if Part 1 does not indicate subject matter competency, consists of direct observation and portfolio assessment and, if necessary, completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan. (5 CCR 6104)

(cf. 4139 - Peer Assistance and Review)

Level 1 professional development means training that will provide a teacher with the requisite understanding of each set of state content standards. Level 2 professional development means training that will provide a teacher with more in-depth understanding of the content standards than provided in a Level 1 professional development program. The trainings shall be consistent with state-adopted academic content standards, curriculum frameworks, and adopted texts and shall incorporate the assessment of subject matter competency as outlined in the CDE's document California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings. For each type of training, at least 36 hours in the core subject for which the teacher is being certified is required to substantively address the subject matter content. (5 CCR 6100, 6105)

Teacher new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, on or after July 1, 2002. (5 CCR 6100)

Teacher not new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, before July 1, 2002. (5 CCR 6100)

Teacher Qualifications

To meet the teacher qualification requirements of the federal No Child Left Behind Act (NCLB), a teacher of a core academic subject shall meet all of the following conditions: (20 USC 6319, 7801; 34 CFR 200.55, 200.56, 300.18; 5 CCR 6101, 6104, 6105, 6110)

1. Hold a bachelor's degree
2. Hold a full credential or be currently enrolled in an approved intern program for less than three years

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

3. Demonstrate subject matter competency in accordance with the applicable requirements below

(cf. 6171 - Title I Programs)

A teacher who holds a supplementary authorization or is employed on a local teaching assignment shall meet the teacher qualification requirements of NCLB if he/she holds a California teaching credential and has demonstrated subject matter competency for the grade span and subject matter taught. (5 CCR 6116)

A teacher shall not meet the teacher qualification requirements of NCLB if he/she is teaching with a short-term staff permit, a provisional internship permit, or a state or local waiver for the grade or subject taught. (5 CCR 6115, 80021, 80021.1)

Demonstration of Subject Matter Competency

Subject matter competency shall be demonstrated in accordance with the following requirements based on the grade levels taught and the teacher's length of time in the profession:

1. An elementary teacher who is new to the profession shall pass a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC). (5 CCR 6102)
2. An elementary teacher who is not new to the profession shall complete one of the following: (5 CCR 6103-6104)

- a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
 - b. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
3. A middle or high school teacher who is new to the profession shall pass or complete one of the following for every core academic subject currently assigned: (5 CCR 6111)
- a. A validated statewide subject matter examination certified by the CTC
 - b. University subject matter program approved by the CTC
 - c. Undergraduate major in the subject taught
 - d. Graduate degree in the subject taught
 - e. Coursework equivalent to the undergraduate major
4. A middle or high school teacher who is not new to the profession shall pass or complete one of the following for every core subject assigned: (5 CCR 6112)
- a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
 - b. University subject matter program approved by the CTC
 - c. Undergraduate major in the subject taught
 - d. Graduate degree in the subject taught
 - e. Coursework equivalent to the undergraduate major
 - f. Advanced certification or credential, such as certification from the National Board for Professional Teaching Standards
 - g. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
5. A middle or high school teacher in a hard-to-staff setting, as defined above, shall complete professional development for the subject matter verification process within three years of the date of assignment to such a setting. (5 CCR 6100, 6105)
- a. If the teacher has fewer than 20 total or 10 upper division nonremedial college-level semester units, or equivalent quarter units, in a core academic subject, he/she shall complete both Level 1 and Level 2 professional development courses as defined above.
 - b. If the teacher has fewer than 32 semester nonremedial college-level units, but at least 20 total or 10 upper division nonremedial semester units, or the equivalent quarter units, in a

core academic subject, he/she shall complete a Level 2 professional development course.

(cf. 4131 - Staff Development)

6. An elementary, middle, or high school special education teacher teaching multiple subjects exclusively to students with disabilities may either: (20 USC 1401; 34 CFR 300.18; 5 CCR 6111)

a. Meet the requirements above for teachers who are new or not new to the profession, as applicable

b. In the case of a new special education teacher who has demonstrated subject matter competency in mathematics, language arts, or science, demonstrate competency in the other core academic subject(s) he/she teaches through the HOUSSE no later than two years after the date of employment

Satisfaction of Requirements Outside District

A teacher who has been determined by another district in California to have met the teacher qualification requirements for the grade level and/or subject taught shall not be required to demonstrate again that he/she meets those requirements. (5 CCR 6120)

A teacher who has been determined to meet subject matter competency requirements outside of California shall be considered to have met those requirements for the particular subject and/or grade span in California. The date of issuance of a valid out-of-state credential shall be used to identify a teacher as new or not new to the profession. (5 CCR 6125)

A teacher prepared in a country other than the United States shall be considered to have met NCLB teaching requirements if he/she: (5 CCR 6126)

1. Holds a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education

2. Has completed a teacher preparation program that meets CTC requirements for out-of-country trained teachers

3. Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent processes and methods required of California teachers

4. Holds a California teaching credential

Certification of Compliance

All teachers teaching core academic subjects shall complete and sign a certificate of compliance with NCLB requirements and attach appropriate documentation. The Superintendent or designee shall verify the information and retain the signed original copy.

The principal of each school receiving Title I funds shall annually attest in writing as to whether the school is in compliance with NCLB requirements related to teacher

qualifications. Copies of the attestation shall be maintained at the school and at the district office and shall be available to any member of the public upon request. (20 USC 6319)

District Plan for Highly Qualified Teachers

Within the Title I local educational agency plan, the Superintendent or designee shall develop a plan for ensuring that all teachers of core academic subjects will meet NCLB requirements in accordance with law. As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet NCLB requirements. (20 USC 6312, 6319)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to: (20 USC 6311)

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who does not meet NCLB teacher qualification requirements. (20 USC 6311; 34 CFR 200.61)

The Superintendent or designee shall notify teachers, as appropriate, prior to distributing the above notice to parents/guardians.

The notice and information provided to parents/guardians shall be in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents/guardians can understand. (20 USC 6311)

Regulation
approved: October 15, 2008

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Delete

Center USD

Exhibit

Teacher Qualifications Under The No Child Left Behind Act

E 4112.24

Personnel

ATTESTATION REGARDING QUALIFICATIONS OF TITLE I TEACHERS

Instructions: The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School: _____ Principal: _____

I certify that all teachers hired after the first day of the 2002-03 school year to teach core academic subjects in a program supported by Title I funds meet the following qualifications:

1. Hold at least a bachelor's degree
2. Have a credential or are currently enrolled in an approved intern program for less than three years
3. Have demonstrated subject matter competence as required by 5 CCR 6100-6115 for the grade level(s) taught and the teacher's length of time in the profession

Signature of Principal

Date

Delete

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

PARENTAL NOTIFICATION OF TEACHER QUALIFICATIONS

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds under the federal No Child Left Behind Act (NCLB).

Under NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. These requirements help us to ensure that all our students receive the best education by teachers who are highly skilled and knowledgeable in their subject areas.

This federal law requires the school to notify you that a teacher who has not yet completed the process for meeting NCLB requirements has taught your child for four or more consecutive weeks. However, the teacher is authorized to teach in California and is working toward completion of the requirements. Our school district continues to monitor teacher qualifications and to provide additional support and training, as necessary, to help teachers meet the requirements.

You may contact [insert school name] to request the qualifications of your child's teacher. If you have any questions, please contact [insert principal name] at [insert telephone number] .

CSBA Sample

Exhibit

All Personnel

E 4112.9(a)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR 11023	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
Electronically to all employees, no more than twice per school year per child needing medication	Education Code 49414.7	AR 5141.21	Request for volunteers to administer emergency antiseizure medication; training to be provided
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

E 4112.9(b)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

E 4112.9(c)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees via employee handbook, or to each new employee	2 CCR 11096; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
To all employees and job applicants	34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
II. To Certificated Employees			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation

E 4112.9(d)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employees in district with ADA of 250 or more by March 15 of employee's second consecutive year of employment	Education Code 44929.21	AR 4117.6	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing

E 4112.9(e)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
To teachers when school is identified for Title I program improvement restructuring	20 USC 6316	AR 0520.2	School identified for restructuring; opportunity to comment and participate
III. To Classified Employees			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, procedures, and employee rights

E 4112.9(f)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. To Classified Employees (continued)			
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
IV. To Administrative/Supervisory Personnel			
To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment

E 4112.9(g)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
In the event of a breach of security of district records, to affected employees	Civil Code 1798.21	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204, 5193	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

E 4112.9(h)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

(4/15 5/16) 7/16

All Personnel

E 4112.9(a)

4212.9

4312.9

EMPLOYEE NOTIFICATIONS

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR 11023	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
Electronically to all employees, no more than twice per school year per child needing training medication	Education Code 49414.7	AR 5141.21	Request for volunteers to administer emergency antiseizure medication; to be provided
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102	BP 4020 BP 4159 4259 4359	District's drug- and alcohol- free workplace; actions to be taken if violated; available employee assistance programs

E 4112.9(b)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits

E 4112.9(c)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees via employee handbook, or to each new employee	2 CCR 11096; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
To all employees and job applicants	34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
II. To Certificated Employees			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation

E 4112.9(d)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment	Education Code 44929.21	AR 4117.6	Whether or not employee is reelected for next school
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing

E 4112.9(e)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. To Certificated Employees (continued)			
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
To teachers when school is identified for Title I program improvement restructuring	20 USC 6316	AR 0520.2	School identified for restructuring; opportunity to comment and participate
III. To Classified Employees			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, procedures, and employee rights

E 4112.9(f)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. To Classified Employees (continued)			
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
IV. To Administrative/Supervisory Personnel			
To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment

E 4112.9(g)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. To Administrative/Supervisory Personnel (continued)			
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
V. To Individual Employees Under Special Circumstances			
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204, 5193	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

E 4112.9(h)
4212.9
4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

CSBA Sample

Board Policy

Certificated Personnel

BP 4113(a)

ASSIGNMENT

Note: Education Code 35035 gives the Superintendent or designee the authority to assign personnel subject to Governing Board approval. The following optional policy may be revised to reflect district practice.

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, professional experience, and aptitude qualify them.

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.22 - Staff Teaching English Language Learners)
(cf. 4112.23 - Special Education Staff)
(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

~~Note: All teachers assigned to teach core academic subjects are required to fulfill qualifications for "highly qualified teachers" (HQT) specified in the No Child Left Behind Act pursuant to 20 USC 6319 and 7801, 34 *CFR 200.55-200.57, and 5 CCR 6100-6126; see BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.~~

~~Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)~~

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

Note: The Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual describes "local teaching assignment options" available to districts when assigning a teacher outside his/her credential authorization. See the accompanying administrative regulation for requirements pertaining to assignments to

ASSIGNMENT (continued)

departmentalized classes in grades K-12 (Education Code 44258.3) or elective courses (Education Code 44258.7).

According to the CTC manual, it is inappropriate to use a local teaching assignment option for an individual who holds an emergency permit, provisional internship permit (PIP), or short-term staff permit (STSP). For information about the circumstances under which persons holding these permits may be employed, see BP/AR 4112.2 - Certification. If a district uses a local teaching assignment option for a holder of an internship credential, the CTC cautions that the district must ensure that the individual meets the specific requirements of the teaching assignment option as well as the requirements of the internship credential; see BP/AR 4112.21 - Interns for further information about internship programs.

The CTC manual indicates that a district may use the options at its discretion. The following paragraph may be revised to reflect options available in the district.

When specifically authorized by law or regulation, the Superintendent or designee may assign a teacher, with his/her consent, to a position outside his/her credential authorization ~~when specifically authorized by law or regulation, and~~ in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

Note: Education Code 44258.9 provides that the County Superintendent of Schools is responsible for monitoring district assignment practices and vacancies, as defined in Education Code 33126, and reporting the results to the CTC. Pursuant to Education Code 44258.9, the County Superintendent must annually monitor and review assignment practices in (1) schools and districts likely to have problems with teacher misassignment (i.e., ~~placement of a certificated employee in a position for which he/she does not hold a legally recognized certificate or credential or is not otherwise authorized by statute to hold~~) and vacancies based on past experience and other available information, and (2) schools ranked in deciles 1-3 on the statewide Academic Performance Index (API). **However, the API has been suspended pending transition to a new state accountability system.** All other schools undergo review of assignment practices on a four-year cycle. In counties in which there is a single school district, the CTC is responsible for monitoring teacher assignments.

~~Education Code 44265.1, as amended by AB 2302 (Ch. 41, Statutes of 2008), expands the reporting requirement to include a report when students with autism are taught by a teacher whose credential authorizes instruction to students with mild/moderate disabilities rather than moderate/severe disabilities; see AR 4112.23 - Special Education Staff.~~

Education Code 33126 requires that vacancies and misassignments be reported on the School Accountability Report Card. Also, Education Code 35186 requires districts to develop procedures by which a parent/guardian can file a complaint related to teacher misassignments or vacancies. See AR/E 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 44258.9, the County Superintendent is required to notify any certificated

ASSIGNMENT (continued)

administrator responsible for a misassignment and advise him/her to correct it within 30 calendar days. The County Superintendent is also required to notify the Superintendent of any district where five percent or more of the certificated teachers in the secondary schools are misassigned, advising him/her to correct the misassignments within 120 calendar days. If a teacher believes he/she has been misassigned, he/she is authorized, after exhausting any local remedies, to file a written notification with the County Superintendent, who must advise the teacher as to the legality of the assignment within 15 working days.

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or ~~Commission on Teacher Credentialing~~ CTC, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Equitable Distribution of Qualified Teachers

~~Note: Items #1-4 below reflect actions required under California's approved Revised State Plan for the No Child Left Behind Act, developed pursuant to 20 USC 6311, to ensure that poor, minority, and/or underperforming students are not taught by inexperienced, underqualified, or out-of-field teachers at higher rates than are other students in the district. As a part of these efforts, the California Department of Education (CDE) may require districts to develop a Board policy that addresses the assignment of interns and persons holding a PIP or STSP, as provided in items #2 and 3 below. The following section may be revised to reflect district practice. 20 USC 6312, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), maintains the requirement that the Title I local educational agency (LEA) plan include a description of how the district will identify and address, consistent with the state's ESSA plan, any disparities that result in low-income or minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers. The LEA plan will be transitioned out at the end of the 2016-17 school year. According to the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), districts will meet Title I planning requirements through the local control and accountability plan and the consolidated application reporting system beginning with the 2017-18 school year.~~

According to the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), the approved State Plan to Ensure Equitable Access to Excellent Educators remains in effect through the 2016-17 school year and states may, but are not required to, amend the plan. The CDE's transition plan indicates that districts will not be required to participate in the state's Compliance Monitoring, Interventions and Sanctions (CMIS) program in the 2016-17 school year and that the CDE intends to update the CMIS with new guidelines.

~~In order to~~ The Superintendent or designee shall ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. ~~, the Superintendent or designee shall. He/she shall annually report to the Board and~~

ASSIGNMENT (continued)

the California Department of Education (CDE) comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

(cf. 0520.2 - Title I Program Improvement Schools)

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 4111 - Recruitment and Selection)

(cf. 4114 - Transfers)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction Teacher Support and Guidance)

(cf. 6171 - Title I Programs)

1. ~~Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long term solutions for ensuring that all core academic classes will be taught by highly qualified teachers~~
2. ~~Not assign teachers with provisional internship permits, short term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index~~
3. ~~Not place interns in high poverty, low performing schools in greater numbers than in schools with low poverty or higher academic achievement~~
4. ~~Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard to staff schools~~

Note: All districts are required to submit to the CDE a worksheet, available on the web site of the Santa Clara County Office of Education's Personnel Management Assistance Team, listing teachers' education levels, years of teaching experience, credential types and authorizations, and compliance with HQT requirements when applicable. Additional worksheets may need to be submitted and additional actions taken depending on whether the district is fully compliant with HQT requirements and has met adequate yearly progress (AYP) requirements; see definition of AYP in AR 0520.2 - Title I Program Improvement Schools. In accordance with criteria developed by the CDE, Level A districts, those that are not fully compliant with HQT requirements but have met AYP, are not required to submit an equitable distribution plan. Level B districts, those that have failed to meet AYP and HQT for two consecutive years, must submit an equitable distribution plan. Level C districts, those that have failed to meet AYP and HQT for three consecutive years, must fully implement their equitable distribution plan and must develop a Title II, Part A budget in agreement with the CDE. The following optional paragraph may be revised to reflect district practice:

ASSIGNMENT (continued)

~~The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across district schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and qualifications of teachers at those schools.~~

Legal Reference: (see next page)

ASSIGNMENT (continued)

Legal Reference:

EDUCATION CODE

33126 School accountability report card
35035 Additional powers and duties of superintendent
35186 Complaint process
37616 Assignment of teachers to year-round schools
44225.6 Commission report to the legislature re: teachers
44250-44277 Credentials and assignments of teachers
44314 Subject matter programs, approved subjects
44824 Assignment of teachers to weekend classes
44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

~~6100-6126 Teacher qualifications, No Child Left Behind Act~~

80003-80005 Credential authorizations
80020-80020.5 Additional assignment authorizations
80335 Performance of unauthorized professional services
80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plans

~~6319 Highly qualified teachers~~

6601-6651 Teacher and Principal Training and Recruiting Fund

~~7801 Definitions, highly qualified teacher~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.55-200.57 Highly qualified teachers~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California State Plan to Ensure Equitable Access to Excellent Educators

~~Revised State Plan for the No Child Left Behind Act, rev. September 2008~~

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual - Updates and Revisions, May 2014

The Administrator's Assignment Manual, rev. September 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, May 4, 2016

Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006

WEB SITES

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

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

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

~~Santa Clara County Office of Education, Personnel Management Assistance Team:~~

~~<http://www.sccoe.org/depts/pmat>~~

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

(11/04 3/09) 7/16

Center USD

Board Policy

Assignment

BP 4113

Personnel

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

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, professional experience, and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

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

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)

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

The Superintendent or designee may assign a teacher, with his/her consent, to a position

outside his/her credential authorization when specifically authorized by law or regulation, and in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or Commission on Teacher Credentialing, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Equitable Distribution of Qualified Teachers

In order to ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students, the Superintendent or designee shall:

1. Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long-term solutions for ensuring that all core academic classes will be taught by highly qualified teachers
2. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index
3. Not place interns in high-poverty, low-performing schools in greater numbers than in schools with low poverty or higher academic achievement
4. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools

(cf. 4111 - Recruitment and Selection)

The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across district schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low-performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high-need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and

qualifications of teachers at those schools.

(cf. 4114 - Transfers)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction)

(cf. 4138 - Mentor Teachers)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35035 Additional powers and duties of superintendent

35186 Complaint process

37616 Assignment of teachers to year-round schools

44225.6 Commission report to the legislature re: teachers

44250-44277 Credentials and assignments of teachers

44314 Subject matter programs, approved subjects

44395-44398 Incentives for assigning NBPTS-certified teachers to high-priority schools

44824 Assignment of teachers to weekend classes

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

80003-80005 Credential authorizations

80020-80020.5 Additional assignment authorizations

80335 Performance of unauthorized professional services

80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

6319 Highly qualified teachers

6601-6651 Teacher and Principal Training and Recruiting Fund

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Revised State Plan for the No Child Left Behind Act, rev. September 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, rev. September 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006

WEB SITES

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

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

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

Santa Clara County Office of Education, Personnel Management Assistance Team:

<http://www.sccoe.org/depts/pmat>

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

CSBA Sample Administrative Regulation

Certificated Personnel

AR 4115(a)

EVALUATION/SUPERVISION

Note: Education Code 35171 mandates that the Governing Board adopt reasonable regulations related to evaluating the performance of certificated personnel. The following administrative regulation and accompanying Board policy should be revised to reflect district practice and any applicable provisions of collective bargaining agreements.

The following paragraph may be deleted by any district that has not recognized a bargaining unit of certificated employees.

Evaluation of certificated employees shall be conducted in accordance with the procedures established in this administrative regulation and applicable collective bargaining agreements. To the extent that any of those provisions conflict, the procedures in the collective bargaining agreement shall be implemented.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4112.9 - Employee Notifications)

Frequency of Evaluations

Each probationary certificated employee shall be evaluated at least once each school year. (Education Code 44664)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.6 - Decision Not to Rehire)

Each certificated employee with permanent status shall be evaluated and assessed at least every other year. If the employee receives an unsatisfactory evaluation, he/she shall be annually evaluated until he/she achieves a positive evaluation or is separated from the district. (Education Code 44664)

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

Alternatively, if the evaluator and employee agree, a permanent employee shall be evaluated at least every five years provided he/she a permanent employee who has been employed by the district at least 10 years; and who was rated in his/her previous evaluation as meeting or exceeding standards shall be evaluated at least every five years, if he/she and the

EVALUATION/SUPERVISION (continued)

~~evaluator so agree. , and meets the qualifications of a highly qualified teacher as defined in 20 USC 7801, if his/her position requires such qualifications.~~ Either the evaluator or the employee may withdraw consent for the alternative schedule at any time. (Education Code 44664)

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

Evaluation Results

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last scheduled school day of the school year in which the evaluation takes place. Before the last scheduled school day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

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

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teaching standards approved by the Governing Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and shall describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

~~Note: Education Code 44664 provides that certificated employees who receive an unsatisfactory rating in teaching methods or instruction may be required to participate in a program to improve their performance. AB 97 (Ch. 47, Statutes of 2013) eliminated the Peer Assistance and Review program (Education Code 44500-44508), but districts may design their own programs of individualized teacher support; see BP/AR 4131.1 - Teacher Support and Guidance.~~

The Superintendent or designee may require any certificated employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

~~(cf. 4131 - Staff Development)~~

~~(cf. 4131.1 - Teacher Support and Guidance)~~

EVALUATION/SUPERVISION (continued)

Qualifications of Evaluators

Note: The following optional section may be revised to reflect district practice.
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The Superintendent or designee shall assign the principal or other appropriate supervisory personnel to evaluate certificated staff. He/she shall ensure that the evaluator:

1. Possesses a valid administrative credential
2. Is competent in the instructional methodologies used by the teachers being evaluated
3. Is skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Is familiar with district curriculum priorities and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation, and staff development

Center USD

Administrative Regulation

Evaluation/Supervision

AR 4115

Personnel

Evaluation of certificated employees shall be conducted in accordance with the procedures established in this administrative regulation and applicable collective bargaining agreements. To the extent that any of those provisions conflict, the procedures in the collective bargaining agreement shall be implemented.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4112.9 - Employee Notifications)

Frequency of Evaluations

Each probationary certificated employee shall be evaluated at least once each school year. (Education Code 44664)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.6 - Decision Not to Rehire)

Each certificated employee with permanent status shall be evaluated and assessed at least every other year. If the employee receives an unsatisfactory evaluation, he/she shall be annually evaluated until he/she achieves a positive evaluation or is separated from the district. (Education Code 44664)

(cf. 4117.4 - Dismissal)

Alternatively, if the evaluator and employee agree, a permanent employee shall be evaluated at least every five years provided he/she has been employed by the district at least 10 years, was rated in his/her previous evaluation as meeting or exceeding standards, and meets the qualifications of a highly qualified teacher as defined in 20 USC 7801, if his/her position requires such qualifications. Either the evaluator or the employee may withdraw consent for the alternative schedule at any time. (Education Code 44664)

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

Evaluation Results

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last scheduled school day of the school year in which the evaluation

EVALUATION/SUPERVISION (continued)

takes place. Before the last scheduled school day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

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

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teaching standards approved by the Governing Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and shall describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

The Superintendent or designee may require any certificated employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Qualifications of Evaluators

The Superintendent or designee shall assign the principal or other appropriate supervisory personnel to evaluate certificated staff. He/she shall ensure that the evaluator:

1. Possesses a valid administrative credential
2. Is competent in the instructional methodologies used by the teachers being evaluated
3. Is skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Is familiar with district curriculum priorities and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation, and staff development

EVALUATION/SUPERVISION (continued)

CSBA Sample Administrative Regulation

Classified Personnel

AR 4222(a)

TEACHER AIDES/PARAPROFESSIONALS

Qualifications and Duties of Paraprofessionals

Note: The following section may be revised to reflect district practice. Education Code 45330, 45344.5, and 45361.5 require paraprofessionals who will be assigned to assist in instruction to demonstrate proficiency in reading, writing, and mathematics equivalent to or exceeding the proficiency required for high school seniors in the district or, if the district does not maintain high schools, in the high school district that includes all or a portion of the district as specified in Option 1 below for districts maintaining high schools or Option 2 below for elementary school districts. Pursuant to Education Code 45330, the district must ensure that any educational qualifications or proficiency exam established by the district is appropriate to the responsibilities to be assigned to the paraprofessional. According to the California Department of Education's (CDE) web site, many districts use the California Basic Educational Skills Test (CBEST) for the purpose of determining proficiency of paraprofessionals.

At its discretion, the district may choose to use the same or a different proficiency exam than that used for Title I paraprofessionals; see "Additional Qualifications and Duties of Paraprofessionals in Title I Programs" below. The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6319 which contained additional requirements pertaining to the qualifications of paraprofessionals working in programs supported by federal Title I funds and required the principal to attest to the school's compliance. However, 20 USC 6311, as amended by P.L. 114-95, requires that the state plan implementing ESSA include requirements addressing qualifications of such paraprofessionals. According to the CDE, the only requirement applicable to Title I paraprofessionals for the 2016-17 school year is the requirement to demonstrate proficiency on a local proficiency exam. Thus, requirements for Title I paraprofessionals are the same as for all other paraprofessionals.

OPTION 1: (Districts maintaining high schools)

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for the district's local high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

OPTION 2: (Elementary districts)

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the district. (Education Code 45330, 45344.5, 45361.5)

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

A paraprofessional who has passed a proficiency test in another district and was employed in

TEACHER AIDES/PARAPROFESSIONALS (continued)

the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Duties

Note: The following section applies to duties of all paraprofessionals and may be expanded to reflect district practice. The repeal of 20 USC 6319 by P.L. 114-95 eliminated additional requirements related to allowable duties that may be assigned to paraprofessionals in Title I programs, as well as the requirement that the principal annually attest to the school's compliance.

~~Instructional aides~~ **A paraprofessional** shall perform only such duties as, in the judgment of the certificated personnel to whom the ~~instructional aide~~ **paraprofessional** is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code ~~45330, 45344~~)

(cf. 4112.2 - Certification)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6171 - Title I Programs)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

~~Additional Qualifications and Duties of Paraprofessionals in Title I Programs~~

~~Note:~~ The following section reflects requirements for districts receiving federal Title I funds. The No Child Left Behind Act of 2001 (NCLB) (20 USC 6319) requires such districts to ensure that paraprofessionals working in a program supported by Title I funds (which includes entire schools with Title I schoolwide programs) meet specified qualifications. Pursuant to 20 USC 6319, districts may use Title I funds for ongoing training and professional development to help paraprofessionals fulfill these qualifications.

~~All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (Education Code 45330; 20 USC 6319; 34 CFR 200.58; Education Code 45330)~~

~~Note:~~ 20 USC 6319, 34 CFR 200.58, and Education Code 45330 establish a deadline of January 8, 2006, for paraprofessionals hired before January 8, 2002, to demonstrate that they have met the requirements in items #1-3 below. However, in June 2005 the U.S. Department of Education extended this deadline to the end of the 2005-06 school year.

~~In addition, at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002: (20 USC 6319; 34 CFR 200.58; Education Code 45330)~~

TEACHER AIDES/PARAPROFESSIONALS (continued)

Note: For the purpose of determining qualifications pursuant to item #1 below, the State Board of Education (SBE) approved a definition of "two years of study" as being 48 semester units or equivalent quarter units. Non-regulatory guidance issued by the U.S. Department of Education in March 2004 indicates that the equivalent of two years of full-time study should be as defined by the institution of higher education, but the guidance is not binding on the SBE.

1. Completion of at least two years of study at an institution of higher education

In accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 48 semester units or equivalent quarter units.

2. Possession of an associate's degree or higher

Note: In June 2003, the SBE decided that the assessment described in item #3 below will be determined locally by the development or selection of an assessment that meets the requirements of NCLB. According to the SBE, the assessment could be a written exam, demonstration, performance, observation, or oral exam. If desired, the district may revise item #3 to specify the assessment that will be used.

3. Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment

Note: Pursuant to Education Code 45330, paraprofessionals hired in California districts on or before January 1, 2003, may already have complied with the federal requirements because, since 1982, state law has required paraprofessionals to be assessed for proficiency in reading, writing, and mathematics skills. However, if the proficiency exam used by the district did not meet the rigor of the NCLB (e.g., if it did not assess the "ability to assist" in instruction), then those paraprofessionals must be assessed on any previously unassessed components.

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

Note: In June 2003, the SBE determined that, in evaluating the qualifications of paraprofessionals who have previously worked in another district, each district may decide whether or not to accept the previous district's assessment results. The following paragraph is optional.

When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

TEACHER AIDES/PARAPROFESSIONALS (continued)

1. ~~Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator.~~
2. ~~Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318.~~

~~Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)~~

1. ~~Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher~~
2. ~~Assist with classroom management, such as organizing instructional and other materials~~
3. ~~Provide assistance in a computer laboratory~~
4. ~~Conduct parental involvement activities~~
5. ~~Provide support in a library or media center~~
6. ~~Act as a translator~~
7. ~~Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher~~

~~Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)~~

Note: In order to verify compliance with requirements for Title I paraprofessionals, 20 USC 6319 provides that districts must, at a minimum, require the following attestation from principals in schools operating Title I programs pursuant to 20 USC 6314 (schoolwide program) or 20 USC 6315 (targeted assistance school). See E 4222 for sample attestation. If desired, districts may expand the following paragraph to include additional methods of verifying compliance.

~~The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)~~

TEACHER AIDES/PARAPROFESSIONALS (continued)

Parental Notification

Note: The following paragraph applies to districts that receive Title I funds and may be used or revised by other districts. 20 USC 6312, as amended by P.L. 114-95, contains the following notification requirement formerly in 20 USC 6311.

At the beginning of each school year, ~~a~~parents/guardians shall be notified that ~~he/she~~ they may request information regarding whether ~~his/her~~ their child is provided services by a paraprofessionals and, if so, ~~their~~ the paraprofessional's qualifications. (20 USC ~~6311-6312~~)

(cf. 5145.6 - Parental Notifications)

(11/03 11/05) 7/16

Center USD

Administrative Regulation

Teacher Aides/Paraprofessionals

AR 4222
Personnel

Qualifications and Duties of Paraprofessionals

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for the district's high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a proficiency test in another district and was employed in the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)

(cf. 5121 - Grades/Evaluation of Student Achievement)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

Additional Qualifications and Duties of Paraprofessionals in Title I Programs

All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (20 USC 6319; 34 CFR 200.58; Education Code 45330)

(cf. 6171 - Title I Programs)

In addition, at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Completion of at least two years of study at an institution of higher education

In accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 48 semester units or equivalent quarter units.

2. Possession of an associate's degree or higher

3. Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator

2. Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318

Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher

2. Assist with classroom management, such as organizing instructional and other materials

3. Provide assistance in a computer laboratory

4. Conduct parental involvement activities

5. Provide support in a library or media center

6. Act as a translator

7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)

Parental Notification

At the beginning of each school year, a parent/guardian shall be notified that he/she may request information regarding whether his/her child is provided services by paraprofessionals and, if so, their qualifications. (20 USC 6311)

(cf. 5145.6 - Parental Notifications)

Delete

Center USD

Exhibit

Teacher Aides/Paraprofessionals

E 4222

Personnel

Attestation Regarding Title I Paraprofessionals

School: _____ Principal: _____

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:

- a. Completed at least two years of study at an institution of higher education
- b. Obtained an associate's or higher degree
- c. Met a rigorous standard of quality and demonstrated, through a locally determined academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness

2. All paraprofessionals working in a Title I program are performing duties consistent with 20 USC 6319.

Signature: _____

Date: _____

CSBA Sample

Board Policy

Students

BP 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: Education Code 35160.5 mandates that governing boards establish an open enrollment policy within the district for residents of the district. This requirement does not apply to districts with only one school or with schools that do not serve any of the same grade levels.

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also ~~balancing enrollment in order to~~ maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

Note: Education Code 35160.5 mandates that the district's intradistrict open enrollment policy contain the following provision.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Note: The following list of intradistrict enrollment priorities should be modified to reflect district practice. Districts must establish priority for circumstances under which the district is required by state or federal law to offer intradistrict enrollment opportunities (items #1-3 below). Anticipated need for these transfers should be considered in determining capacity of district schools for other intradistrict transfers allowed by the district pursuant to items #4-6 below.

The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement in the first year or beyond. The district may, but is not required to, offer such transfers beginning in the 2016-17 school year. Districts that choose to offer such transfers may expand the following list accordingly.

INTRADISTRICT OPEN ENROLLMENT (continued)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

Note: Education Code 48350-48361, as added by SBX5 4 (Ch. 3, Fifth Extraordinary Session, Statutes of 2010), created the Open Enrollment Act which allows a student attending an "open enrollment" school, as identified by the Superintendent of Public Instruction, to transfer to another school that has a higher Academic Performance Index (API), either within the district or in another district. For details regarding such transfers, see BP/AR 5118 - Open Enrollment Act Transfers. However, the California Department of Education (CDE) did not produce an Open Enrollment Act list for the 2016-17 school year due to the suspension of the API. The CDE has posted the 2015-16 Open Enrollment Act list on its web site for use in the 2016-17 school year, but cautions that the list is based on the results of 2013 state assessments developed under prior state content standards and that the assessment results of schools on that list may have improved.

It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside of the district. Therefore, CSBA's BP 5118 specifies that students attending an open enrollment school who wish to attend another school within the district use the procedures specified in this Board policy and accompanying administrative regulation, applicable to all students applying for intradistrict open enrollment. However, students transferring from an open enrollment school should receive priority for admission, as specified in item #1 below. Districts that do not use this policy for intradistrict transfers under the Open Enrollment Act should delete item #1.

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

Note: Because federal law requires districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI), corrective action, or restructuring (20 USC 6316), to all students who are attending "persistently dangerous" schools, and to any student who is the victim of a violent criminal offense at school (20 USC 7912), the district should establish priority for such students in intradistrict open enrollment, as provided in items #2-4 below. Anticipated need for these transfers should be considered in determining the capacity of district schools for other intradistrict transfers pursuant to Education Code 35160.5 as described below.

See the accompanying administrative regulation for details regarding transfers pursuant to 20 USC 7912 for students in any school that is designated by the state as a "persistently dangerous" school (item #2) or for a student who is the victim of a violent criminal offense on school grounds (item #3). For other transfers required as a result of a school's identification for PI, see BP/AR 0520.2 Title I Program Improvement Schools.

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 Charter Schools)

(cf. 0520.2 Title I Program Improvement Schools)

(cf. 6171 Title I Programs)

INTRADISTRICT OPEN ENROLLMENT (continued)

32. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

43. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

Note: Education Code 35160.5 permits, but does not require, the district's policy to include any or all of the following priorities. Items ~~#5-7~~ 4-6 below are optional and should be deleted or modified to reflect enrollment priorities in the district.

Education Code 35160.5 makes no provision related to the duration of the any transfer granted pursuant to items #4-6. See the accompanying administrative regulation.

54. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
- a. A written statement from a representative of an appropriate state or local agency, ~~such as including, but not necessarily limited to,~~ a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
 - b. A court order, including a temporary restraining order and injunction
65. Any sibling of a student already in attendance in that school.
76. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application and Selection Process

Note: Education Code 48354 requires the district to give priority for enrollment to students residing in the district before admitting students seeking to transfer from an open enrollment school outside of the district. In order to accurately determine the number of slots available for interdistrict transfers, the district should set an application window for parents/guardians to apply for intradistrict open enrollment that precedes the district's application window under the Open Enrollment Act. For language regarding the application window under the Open Enrollment Act, see BP/AR 5118 - Open Enrollment Act Transfers.

The district should specify the intradistrict open enrollment application window, if any, in the blank provided in the following paragraph.

INTRADISTRICT OPEN ENROLLMENT (continued)

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between February 1 and March 15 of the school year preceding the school year for which the transfer is requested.

Note: Education Code 35160.5 mandates that the district's intradistrict open enrollment policy contain all the elements listed in the remainder of this section.

Education Code 35160.5 requires districts to calculate capacity in a nonarbitrary manner using student enrollment and available space. The law does not provide a specific formula for the calculation, but the district may want to include unique factors specific to the school to calculate available space, such as class size reduction requirements, and space needs for specialized programs, ~~and anticipated transfers of students from PI schools within the district.~~ The district may modify the following paragraph to include the specific formula for calculating school capacity for schools within the district.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Note: Pursuant to Education Code 35160.5, the district must use a random, unbiased process (e.g., a lottery) to select students for intradistrict open enrollment when requests for admission exceed the capacity of the school. The California Attorney General (85 Ops.Cal.Atty.Gen. 95 (2002)) has opined that a "first come, first served" selection policy does not constitute a random, unbiased process.

An exception in Education Code 35160.5 gives districts the authority to maintain appropriate racial and ethnic balances across district schools. However, in Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component as authorized by Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 35160.5 relative to racial and ethnic balance. The district should consult legal counsel regarding any policy or regulation dealing with maintenance of racial or ethnic balance.

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

INTRADISTRICT OPEN ENROLLMENT (continued)

Transportation

Note: The following section is optional and may be revised to reflect district practice. Districts that do not provide transportation should delete this section.

Pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) and its Public School Choice FAQs, districts must continue to set aside Title I, Part A funds for transportation costs for students who transferred out of program improvement schools prior to the 2016-17 school year and for students who the district chooses to allow to transfer in the 2016-17 school year. In accordance with the CDE's transition plan and the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school; see the accompanying administrative regulation.

The district is not obligated to provide transportation for students who are transferring pursuant to the Open Enrollment Act. ~~However, 20 USC 6316 requires that a district either provide transportation or reimburse the costs of transporting students who have transferred out of Title I schools identified for PI, corrective action, or restructuring to a different school. The district is not obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified. These requirements are addressed in AR 0520.2 Title I Program Improvement Schools.~~ The district also is not obligated to provide transportation for students who are victims of violent criminal offenses or those who wish to transfer out of "persistently dangerous" schools pursuant to 20 USC 7912. If a district chooses to make transportation available to such students, it may use certain federal funds (e.g., Title IV, Part A, and Title V, Part A) to cover the costs. When a district chooses to provide transportation, U.S. Department of Education Guidance (Unsafe School Choice Option) clarifies that the district is not obligated to continue providing or paying for transportation after the school is no longer designated as "persistently dangerous."

~~Except as required by 20 USC 6316 for transfers out of Title I PI schools,~~ for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference: (see next page)

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

~~6316 Transfers from program improvement schools~~

~~6311 State plans~~

~~7912 Transfers from persistently dangerous schools~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.36 Dissemination of information~~

~~200.37 Notice of program improvement status, option to transfer~~

~~200.39 Program improvement, transfer option~~

~~200.42 Corrective action, transfer option~~

~~200.43 Restructuring, transfer option~~

~~200.44 Public school choice, program improvement schools~~

~~200.48 Transportation funding for public school choice~~

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops. Cal. Atty. Gen. 95 (2002)

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

(11/08 3/11) 7/16

Center USD

Board Policy

Intradistrict Open Enrollment

BP 5116.1

Students

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)

5. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist

b. A court order, including a temporary restraining order and injunction

6. Any sibling of a student already in attendance in that school.

7. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between February 1 and March 15 of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used

provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

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U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

CSBA Sample

Administrative Regulation

Students

AR 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: The following administrative regulation addresses intradistrict transfers for victims of a violent criminal offense and students in a "persistently dangerous" school pursuant to 20 USC 7912 and other intradistrict open enrollment options authorized by Education Code 35160.5. ~~For transfers required by 20 USC 6316 as a result of a school being identified for program improvement, see BP/AR 0520.2 - Title I Program Improvement Schools.~~ For interdistrict transfers under the Open Enrollment Act pursuant to Education Code 48350-48361, see BP/AR 5118 - Open Enrollment Act Transfers.

Transfers for Victims of a Violent Criminal Offense

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that any student who becomes a victim of a violent criminal offense while on school grounds be provided an option to transfer to another district school, including a charter school; see the accompanying Board policy. 20 USC 7912 does not specify which offenses constitute a "violent criminal offense" for purposes of the victim transfer option. According to the California Department of Education (CDE), districts should consider the specific circumstances of the incident on a case-by-case basis, as specified below. The following two paragraphs are consistent with the CDE's guidance.

U.S. Department of Education (USDOE) Guidance, Unsafe School Choice Option, suggests that districts should notify parents/guardians of the transfer option "generally within 14 days" after the determination that the student has been a victim of a violent offense. In making this offer, the Guidance encourages districts to take into account the needs and preferences of the affected student and parents/guardians. A sample parent/guardian notification letter is available on the CDE's web site.

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that all students attending a "persistently dangerous" school be provided an option to transfer to a safe school within the district, including a charter school; see the accompanying Board policy. Pursuant to 5 CCR 11992 and

INTRADISTRICT OPEN ENROLLMENT (continued)

11993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years.

USDOE Guidance, Unsafe School Choice Option, provides that a district with one or more schools identified as "persistently dangerous" must, in a timely manner, notify parents/guardians about the school's designation and offer the opportunity to transfer. The CDE suggests that transfers of students out of a "persistently dangerous" school generally be completed within 30 school days of notification of the school's designation. According to the CDE, "timely notification" to parents/guardians should be made within 10 school days and a timely offer of transfer within 20 school days from the time the district learns of the designation, although these two notifications may be combined. Timelines in the following two optional paragraphs may be revised to reflect district practice.

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

Note: USDOE Guidance, Unsafe School Choice Option, advises that the district can determine whether transfers will be temporary or permanent, but transfers must remain in effect as long as the student's original school is identified as persistently dangerous. The following optional paragraph reflects USDOE suggestions as to factors that might be considered in determining whether the transfer should be permanent and may be revised to reflect district practice.

INTRADISTRICT OPEN ENROLLMENT (continued)

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

Note: USDOE Guidance, Unsafe School Choice Option, encourages, but does not require, districts to develop a transfer program with a neighboring district. The following paragraph is optional.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Attendance)

Other Intradistrict Open Enrollment

Note: The following section provides **optional** procedures for intradistrict enrollment pursuant to Education Code 35160.5 and may be revised to reflect district practice.

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.

Note: Because Education Code 35160.5 requires the use of a lottery process, openings which occur later during the year should be filled only by applicants whose names are drawn in the lottery. Late applicants should not be added to the waiting list, but should instead wait for a subsequent lottery.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

INTRADISTRICT OPEN ENROLLMENT (continued)

Note: The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI). In accordance with the USDOE's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016) and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school, as provided below.

The USDOE's Frequently Asked Questions and the CDE's transition plan provide that districts may, at their discretion, continue to offer intradistrict transfers to students in PI schools during the 2016-17 school year; see the accompanying Board policy. Districts that choose to offer such transfers may revise the following paragraph to reflect district practice. The USDOE and CDE resources do not expressly address whether students who transfer in such cases must be allowed to remain in the school of enrollment until the highest grade at the school. For consistency with previous years and with provisions in 20 USC 6311 pertaining to any transfers granted to students in schools identified for "comprehensive support and improvement" beginning in the 2017-18 school year, it is recommended that districts allow any student who transfers during the 2016-17 year with the opportunity to subsequently stay in the school of enrollment.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

(cf. 0520.2 - Title I Program Improvement Schools)

Note: The following paragraph is optional. Education Code 35160.5 makes no provision related to the duration of ~~the transfer~~ **any transfer granted pursuant to Education Code 35160.5**. Thus, it appears to be within the district's discretion to determine whether students who do not reside within a school's attendance area should be required to reapply for open enrollment each year. However, Education Code 35160.5 specifies that a student currently residing within a school's attendance area cannot be displaced by another student transferring from outside the attendance area.

A student granted intradistrict enrollment under other circumstances ~~Once enrolled, a student~~ shall not be required to reapply for readmission. ~~However, the student~~ but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

INTRADISTRICT OPEN ENROLLMENT (continued)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

Center USD

Administrative Regulation

Intradistrict Open Enrollment

AR 5116.1

Students

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other

considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in

the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

5. A district application form for requesting a change of attendance

6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

CSBA Sample Board Policy

Students

BP 5121(a)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

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

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's ~~achievement~~ **academic performance**.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform grading system ~~based on standards that apply that shall be applied~~ to all students in that course and grade level. ~~Principals and teachers shall ensure that student grades conform to this system.~~ Teachers shall inform students and parents/guardians how ~~student achievement~~ **academic performance** will be evaluated in the classroom.

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

Note: The following optional paragraph may be revised to reflect district practice. CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades reviews research on the fairness, accuracy, and consistency of common grading practices. Based on research, the brief recommends that nonacademic factors (e.g., attendance, effort, behavior, work habits) not be incorporated into the academic grade, which is intended to be an indicator of a student's mastery of academic content.

A teacher shall base a student's grades ~~solely on impartial, consistent observation of~~ the quality of the student's **academic** work and his/her mastery of course content ~~and based on~~ district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, ~~such as classroom participation, homework, including, but not limited to,~~ tests, projects, and portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Effect of Absences on Grades

~~If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.~~

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

(cf. 6154 - Homework/Makeup Work)

Note: Pursuant to Education Code 49067, the Governing Board may authorize teachers to assign failing grades to students with excessive unexcused absences, the number to be set by the Board. Districts using the following optional paragraph should fill in the blank to specify the number of unexcused absences for which students may receive a failing grade that the Board determines to be "excessive." Alternatively, districts may revise the following paragraph to limit the degree to which a teacher may reduce a grade for attendance reasons.

However, CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absence be dealt with separately from grading and that absence should not be considered in determining a student's level of understanding of course content. See BP/AR 5113.1 - Chronic Absence and Truancy for further information about strategies to address excessive excused and/or unexcused absences.

~~The Board believes that _____ (fill in number) unexcused absences per grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es). A teacher may assign a failing grade to a student who has 10 or more unexcused absences during the grading period.~~

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Note: The following optional paragraph is for use by districts that maintain elementary schools and should be revised to reflect district practice.

Students in grades K-3 shall receive progress reports at the end of each grading period rather than letter grades.

Note: The following optional paragraph is for use by districts that choose to provide reports of academic performance on specific academic standards, and should be deleted by other districts.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Note: The following optional paragraph reflects correspondence issued by the U.S. Department of Education's Office for Civil Rights, Report Cards and Transcripts for Students with Disabilities, which clarifies that, because report cards are intended for parents/guardians and not for persons outside the district, they may contain information about a student's disability without violating the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67). However, transcripts may not provide information about a student's disability because there is an expectation that these documents could be shared with persons other than the student and his/her parents/guardians. See BP/AR 5125 - Student Records for further information regarding the confidentiality of student records.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

(cf. 5125 - Student Records)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Note: Education Code 49066 provides that the grade assigned by a teacher is final, absent any clerical or mechanical mistake, fraud, bad faith, or incompetency. Pursuant to Education Code 49066, the Board and Superintendent cannot order a student's grade changed unless the teacher, to the extent practicable, is given an opportunity to state the reasons that the grade was given and to be included in all discussions regarding the changing of the grade; see AR 5125.3 - Challenging Student Records.

~~The teacher of each course shall determine the student's grade.~~ A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

Grade-Point-Average

Note: The following optional section paragraph is for use by districts that maintain secondary schools and may be revised to reflect district practice. Also see the accompanying administrative regulation.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, International Baccalaureate, honors, and/or concurrent postsecondary courses.

(cf. 6141.4 - International Baccalaureate Program)

(cf. 6141.5 - Advanced Placement)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference: (see next page)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Legal Reference:

EDUCATION CODE

48070 Promotion and retention

48205 Excused absences

48800-48802 Enrollment of gifted students in community college

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

69432.9 Cal Grant program; notification of grade point average

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

~~6101-6251 School-to-Work Opportunities Act of 1994~~

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

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

California Student Aid Commission: <http://www.csac.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

(11/03 7/09) 7/16

Center USD

Board Policy

Grades/Evaluation Of Student Achievement

BP 5121

Students

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform grading system based on standards that apply to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios.

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

Students in grades K-3 shall receive progress reports rather than letter grades.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

(cf. 5125 - Student Records)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Effect of Absences on Grades

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

(cf. 6154 - Homework/Makeup Work)

The Board believes that 10 unexcused absences per grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

(cf. 5113 - Absences and Excuses)

Grade Point Average

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point averages (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, honors, and/or concurrent postsecondary courses.

(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference:

EDUCATION CODE

41505-41508 Pupil Retention Block Grant
48070 Promotion and retention
48205 Excused absences
48800-48802 Enrollment of gifted students in community college
48904-48904.3 Withholding grades, diplomas, or transcripts
49066 Grades; finalization; physical education class
49067 Mandated regulations regarding student's achievement
49069.5 Students in foster care, grades and credits
51242 Exemption from physical education based on participation in interscholastic athletics
76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools
30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)
6101-6251 School-to-Work Opportunities Act of 1994

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act

COURT DECISIONS

Owasso Independent School District v. Falvo, (2002) 534 U.S. 426
Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86 Cal.App.4th 1
Swany v. San Ramon Valley Unified School District, (1989) 720 F.Supp. 764
Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Aiming High: High Schools for the 21st Century, 2002
Taking Center Stage: A Commitment to Standards-Based Education for California's Middle Grades Students, 2001
Elementary Makes the Grade!, 2000

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

CORRESPONDENCE

Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
California Student Aid Commission: <http://www.csac.ca.gov>
U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr>

CSBA Sample

Administrative Regulation

Students

AR 5121(a)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Note: Education Code 49067 mandates the Governing Board to approve regulations requiring the evaluation of each student's academic performance for each grading period. The following administrative regulation should be revised to reflect district practice and the grade levels offered by the district.

The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors.

Written Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Note: Education Code 49067 mandates that the Board approve regulations requiring either a conference with the parent/guardian or a written report sent to the parent/guardian whenever a student is in danger of failing a course. Pursuant to Education Code 49067, the refusal of a parent/guardian to attend the conference or to respond to the written report shall not preclude failing the student at the end of the grading period.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)

Note: The following optional paragraph is for use by districts that maintain high schools.

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

Grades for Achievement Academic Performance

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

For grades K-2, students' level of progress shall be reported as follows:

- 4 Thorough Understanding (90-100%)
- 3 Understanding (75-89%)
- 2 Partial Understanding (60-74%)
- 1 Very Limited Understanding (0-59%)
- NA Not Assessed At This Time

For grades 3-6, grades for achievement shall be reported for each grading period as follows:

- A (90-100%) Exceeding Standards
- B (80-89%) Meeting Standards
- C (70-79%) Working Toward Standards
- D (60-69%) Significantly Below Standards
- F (0-59%) Not Meeting Standards
- NA Not Assessed At This Time

For grades 7-12, grades for achievement shall be reported for each grading period as follows:

- | | | | |
|---|-----------|---------------------------|------------------|
| A | (90-100%) | Outstanding Achievement | 4.0 grade points |
| B | (80-89%) | Above Average Achievement | 3.0 grade points |
| C | (70-79%) | Average Achievement | 2.0 grade points |
| D | (60-69%) | Below Average Achievement | 1.0 grade points |
| F | (0-59%) | Little or No Achievement | 0 grade points |
| I | | Incomplete | 0 grade points |

An Incomplete shall be given only when a student's work is not finished **by the end of the grading period** because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Note: The following optional paragraph is for use by districts that maintain high schools and choose to assign extra grade weighting to Advanced Placement, International Baccalaureate, honors, or concurrent postsecondary courses.

Districts should be aware that, in determining college admissions eligibility, the extra grade weighting will be factored into university admissions only if the courses have been certified as honors courses by the University of California and are in the following "a-g" subjects: history-social science, English, advanced mathematics, laboratory science, language other than English, and visual and performing arts.

Because of the more rigorous nature of Advanced Placement, International Baccalaureate, honors, and concurrent postsecondary courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

A	(90-100%)	Outstanding Achievement	5.0 grade points
B	(80-89%)	Above Average Achievement	4.0 grade points
C	(70-79%)	Average Achievement	3.0 grade points

(cf. 6141.4 - International Baccalaureate Program)

(cf. 6141.5 - Advanced Placement)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

(cf. 6142.7 - Physical Education and Activity)

Note: The following **optional** paragraph is for use by districts that maintain high schools and may be revised to reflect additional grade levels at the district's discretion. 5 CCR 10060 lists criteria by which districts must appraise the quality of high school physical education programs, including criteria for reporting student achievement in physical education.

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

Note: The following **optional** paragraph may be used by districts that allow high school students to fulfill physical education credits through interscholastic athletics carried on wholly or partially after regular school hours pursuant to Education Code 51242; see BP 6142.7 - Physical Education and Activity.

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided a teacher credentialed to teach physical education supervises this participation and assigns the grade.

(cf. 6145.2 - Athletic Competition)

Grades for College Courses

Note: The following **optional** section is for use by districts maintaining grades 9-12 that choose to grant district credit for completion of postsecondary courses pursuant to Education Code 48800-48802 and 76000-76002; see BP/AR 6172.1 - Concurrent Enrollment in College Classes.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Grades for Citizenship and Work Habits ,~~Study Skills, and Effort~~

Note: In Las Virgenes Educators Association v. Las Virgenes Unified School District, the court determined that a citizenship mark is a "grade" within the meaning of Education Code 49066 and upheld a teacher's right to make the final decision regarding a citizenship mark.

Any grades assigned for ~~Grades for~~ citizenship or work habits, such as effort or study skills, ~~and effort~~ shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

Pass/Fail Grading

Note: The district may choose to expand the following **optional** section to identify specific courses or programs for which students may elect a Pass/Fail grade rather than an A-F grade (e.g., alternative education program, non-college-preparatory summer school courses, etc.).

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

Peer Grading

Note: In Owasso Independent School District v. Falvo, the U.S. Supreme Court held that students' grades on assignments and tests are not "education records" until the teacher records them, and therefore the practice of peer grading does not violate the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 USC 1232g); see BP/AR 5125 - Student Records. Furthermore, for the same reason, the Supreme Court did not prohibit the practice of having students report the grades aloud so that the teacher may record them. The following section is **optional**.

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Repeating Classes

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Note: The following **optional** section is for use by districts that maintain high schools. Districts may adopt a different approach than the one described below, such as the use of averaging.

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

Note: The following **optional** section is for use by districts maintaining high schools and should be revised to reflect district practice.

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Effect of Absences on Grades

Note: ~~Education Code 49067 mandates districts that authorize teachers to assign failing grades to students who have excessive unexcused absences (see the accompanying Board policy)~~ The following section is for use by districts that choose to authorize teachers to assign failing grades to students who have excessive unexcused absences pursuant to Education Code 49067; see the accompanying Board policy. Education Code 49067 mandates such districts to establish regulations which include, but are not limited to, providing (1) a reasonable opportunity for students or parents/guardians to explain the absences and (2) a method for identifying in a student's record the failing grades assigned on the basis of unexcused absences.

Teachers who choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Note: Pursuant to Education Code 49069.5, grades for a student in foster care shall not be lowered if the student is absent from school due to (1) a decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school, or (2) a verified court appearance or related court-ordered activity. See BP 6173.1 - Education for Foster Youth.

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

Note: The following **optional** section should be revised to reflect the district's methodology for calculating GPA. Districts may calculate multiple GPAs for a single student (e.g., academic GPA, total GPA) for different purposes (e.g., eligibility for extracurricular activities, athletic programs, honors at graduation, or other district programs that use GPA as a criterion). Districts should be aware that, in determining college admissions eligibility, the California State University and the University of California consider students' GPA in the "a-g" subjects required for college entry and is based on grades recorded in their high school transcripts.

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for **Achievement Academic Performance**" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

OPTION 1: When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

~~**OPTION 2:** When plus and minus designations are added to letter grades, a plus shall be computed by adding 0.3 to the value assigned the letter grade and a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade.~~

Note: ~~As amended by AB 2160 (Ch. 679, Statutes of 2014),~~ Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants unless they opt out of the program. The GPA of all students in grade 12 who have not opted out of the program shall be submitted to the Student Aid Commission. See AR 5125 - Student Records for related requirements.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

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Policy Reference UPDATE Service

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GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

Grades for Achievement

For grades K-2, students' level of progress shall be reported as follows:

- 4 Thorough Understanding (90-100%)
- 3 Understanding (75-89%)
- 2 Partial Understanding (60-74%)
- 1 Very Limited Understanding (0-59%)
- NA Not Assessed At This Time

For grades 3-6, grades for achievement shall be reported for each grading period as follows:

- A (90-100%) Exceeding Standards
- B (80-89%) Meeting Standards
- C (70-79%) Working Toward Standards
- D (60-69%) Significantly Below Standards
- F (0-59%) Not Meeting Standards
- NA Not Assessed At This Time

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

For grades 7-12, grades for achievement shall be reported for each grading period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

An Incomplete shall be given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Because of the more rigorous nature of Advanced Placement, International Baccalaureate, honors, and concurrent postsecondary courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

A	(90-100%)	Outstanding Achievement	5.0 grade points
B	(80-89%)	Above Average Achievement	4.0 grade points
C	(70-79%)	Average Achievement	3.0 grade points

(cf. 6141.5 - Advanced Placement)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

(cf. 6142.7 - Physical Education and Activity)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided that a teacher credentialed to teach physical education supervises this participation and assigns the grade.

(cf. 6145.2 - Athletic Competition)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)**Grades for College Courses**

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Grades for Citizenship, Study Skills, and Effort

Grades for citizenship, study skills, and effort shall be reported as follows:

O	Outstanding
S	Satisfactory
N	Needs Improvement
U	Unsatisfactory

Pass/Fail Grading

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

Peer Grading

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Effect of Absences on Grades

Teachers who may choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Achievement" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

CSBA Sample

Board Policy

Students

BP 5131.62(a)

TOBACCO

Note: The following **optional** policy may be revised to reflect district practice. Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the middle or elementary grades.

The state's Tobacco-Use Prevention Education (TUPE) competitive grant program for grades 6-12 (Health and Safety Code 104350-104495) provides support for local tobacco-use prevention and intervention programs.

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. 5141.23 - Asthma Management)

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Note: Education Code 48900 and 48901 prohibit students from possessing, smoking, or using tobacco on school grounds, as provided in the following paragraph. Pursuant to Education Code 48900, students who violate this prohibition may be subject to discipline, including suspension or expulsion. However, pursuant to Education Code 48900.5, it is recommended that other means of correction that address the student's conduct be implemented instead of suspension or expulsion; see the section "Intervention/Cessation Services" below and AR 5144 - Discipline. In addition, Health and Safety Code 104420 ~~mandates that any district receiving funding through the TUPE program adopt and enforce a tobacco-free schools policy which~~ and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), prohibits the use of tobacco products in district buildings, on district property, and in district vehicles by any person at any time; see BP 3513.3 - Tobacco-Free Schools ~~for language implementing this mandate.~~

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. ~~Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.~~ (Education Code 48900, 48901)

TOBACCO (continued)*(cf. 3513.3 - Tobacco-Free Schools)**(cf. 5131 - Conduct)**(cf. 5144 - Discipline)**(cf. 5144.1 - Suspension and Expulsion/Due Process)**(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

~~Note: Although state law does not define "tobacco products," the California Department of Education (CDE) recommends that districts define "tobacco products" to include electronic cigarettes, electronic hookahs, and other vapor-emitting devices. According to the CDE, districts are increasingly reporting student possession of these nicotine-delivery devices for purposes of prohibited drug use (i.e., as drug paraphernalia).~~

~~Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.~~

Note: The following definitions of "smoking" and "tobacco products" are specified in Business and Professions Code 22950.5 and incorporated by reference into Education Code 48901, as amended by SBX2 5 (Ch. 7, Statutes of 2016).

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

TOBACCO (continued)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

Note: The following **optional** section may be revised to reflect district practice and the grade levels offered by the district. Education Code 51202 requires the district to offer a course of study at the appropriate elementary and secondary grade levels that includes the effects of tobacco upon the human body. Education Code 51202 also requires that the course of study in secondary grades include instruction on the effects of tobacco upon prenatal development. See AR 6143 - Courses of Study. The state's content standards for health education include a number of standards at selected grade levels from K-12 related to the health consequences of tobacco use.

The TUPE program provides resources for supplemental instruction in grades 6-12 that addresses specified topics; see the accompanying administrative regulation. CDE's Guidelines for Tobacco Prevention, contained in its Getting Results publication, recommend developmentally appropriate instruction in grades K-12, with instruction that is especially intensive in grades 6-9 (particularly the transition year from elementary to middle school/junior high) and is reinforced in high school.

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention/Cessation Services

Note: The following **optional** section may be revised to reflect district practice. Pursuant to Health and Safety Code 104420 and 104460, districts receiving TUPE funds must provide students with access to intervention and cessation services and must provide pregnant and parenting minors with access to designated services. The district may fulfill these requirements either through the direct provision of services or through referrals to available services. See the accompanying administrative regulation. Pursuant to Education Code 48900.5, such intervention should be implemented to correct student behavior rather than suspension or other measures that may exclude a student from instruction.

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

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

(cf. 6164.2 - Guidance/Counseling Services)

TOBACCO (continued)

Program Planning

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

Health and Safety Code 104420 requires the CDE to give priority for TUPE funding to programs that, in addition to targeting current tobacco users, target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment, as provided in the following paragraph.

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

Note: The following **optional** paragraph may be revised to reflect district practice. Health and Safety Code 104420 and 104435 require districts receiving TUPE funds, with assistance from the county office of education, to coordinate efforts with the "lead local agency" in the community, defined in Health and Safety Code 104400 as the county or city health department.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

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

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

Note: The following paragraph is for use by districts that receive TUPE funds and may be used by other districts at their discretion.

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

TOBACCO (continued)

Note: Pursuant to TUPE Acceptance of Funds Guidance on the CDE's web site, TUPE grant funding will not be awarded to an applicant that receives any funding or educational materials from the tobacco industry, or from any agency which has received funding from the tobacco industry, for the purpose of implementing tobacco-use prevention or intervention programs.

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

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

Program Evaluation

Note: The following optional section may be revised to reflect district practice. Districts that accept TUPE funds are required by the CDE to administer the core California Healthy Kids Survey in the first year of funding and at least every other year thereafter to assess the health-related behavior of a representative sample of students in grades 7, 9, and 11. In addition, districts that receive funding through TUPE are required to complete the TUPE Annual Report by June 30 of each year.

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference: (see next page)

TOBACCO (continued)

Legal Reference:

EDUCATION CODE

8900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

BUSINESS AND PROFESSIONS CODE

22950.5 *Stop Tobacco Access to Kids Enforcement Act; definitions*

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7100-7117 *Safe and Drug-Free Schools and Communities Act*

7111-7122 *Student Support and Academic Enrichment Grants*

CODE OF FEDERAL REGULATIONS, TITLE 21

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

ATTORNEY GENERAL OPINIONS

88 *Ops. Cal. Atty. Gen.* 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

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

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:
<http://www.cde.ca.gov/ls/he/at/tupe.asp>

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

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

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

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Center USD

Board Policy

Tobacco

BP 5131.62

Students

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. 5141.23 - Asthma Management)

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

TOBACCO (continued)

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such

instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

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

(cf. 6164.2 - Guidance/Counseling Services)

Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

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

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

TOBACCO (continued)

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

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

Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference: (see next page)

TOBACCO (continued)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

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

ATTORNEY GENERAL OPINIONS

88 Ops. Cal. Atty. Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

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

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

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

California Department of Education, Tobacco-Use Prevention Education:

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

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

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

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

CSBA Sample Board Policy

Students

BP 5145.3(a)

NONDISCRIMINATION/HARASSMENT

Note: The following **mandated** policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual, including Education Code 220, which prohibits discrimination based on race, nationality, ethnicity, gender, gender identity, gender expression, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55; Title VI (42 USC 2000d-2000e-17), which prohibits discrimination based on race, color, or national origin; Title IX (20 USC 1681-1688), which prohibits discrimination based on sex, gender, **and** gender identity, **pregnancy, and parental status**; the Age Discrimination Act of 1975 (42 USC 6101-6107), which prohibits discrimination based on age; and Title II (20 USC 12101-12213) and Section 504 (29 USC 794), which prohibit discrimination based on disability. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of these characteristics. See also BP 0410 - Nondiscrimination in District Programs and Activities.

Moreover, **the this sample Board policy and the accompanying administrative regulation reflect the statutory right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with his/her gender identity as specified in Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013).** ~~The guidelines included in this Board policy and the accompanying administrative regulation to accommodate the needs of transgender and gender-nonconforming students reflect best practices based on existing state and federal law, and regulatory agency guidance such as the May 2016 Dear Colleague Letter: Transgender Students jointly issued by the U.S. Department of Justice's Civil Rights Division and U.S. Department of Education's Office for Civil Rights (OCR). Though OCR's enforcement of the May 2016 Dear Colleague Letter has been enjoined by a federal court, many of the recommended practices have already been adopted by California school districts to reflect state law protecting the rights of transgender students.~~ Districts with questions about the rights of transgender and gender-nonconforming students should consult legal counsel as appropriate. For more information on the rights of transgender students, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Final Guidance Regarding Transgender Students, Privacy, and Facilities.

Education Code 234.1 **mandates** that districts adopt policy prohibiting, at school or in any school activity related to school attendance or under the authority of the district, discrimination, including discriminatory harassment, intimidation, and bullying, based on the foregoing characteristics. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other **anti-discrimination** policies and practices to ensure compliance with these requirements. In addition, ~~the U.S. Department of Education's Office for Civil Rights (OCR)~~ is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

CSBA staff ~~met with~~ **received feedback and comment from** representatives ~~from~~ of CDE and OCR ~~to discuss regarding~~ this policy and the accompanying regulation as they relate to the UCP requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

NONDISCRIMINATION/HARASSMENT (continued)

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, **extracurricular**, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, **of targeted at any student by anyone**, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

Note: Education Code 234.1 prohibits unlawful discrimination in school-related activities and when it affects school attendance. However, OCR has clarified in several publications that conduct that occurs off campus may have an adverse effect on a student at school (i.e., create a "hostile environment" for the student). When that happens, the district has an obligation to investigate and to take steps to protect the student.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, **and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school. (Education Code 234.1)**

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, **includes-may result from** physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also **shall** includes the creation of a hostile environment **when-the-through** prohibited conduct **that** is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Note: In addition to the types of prohibited student conduct described below, prohibited conduct also includes different treatment of students with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in District Programs And Activities.

Unlawful discrimination also includes disparate treatment of students based on one of the

NONDISCRIMINATION/HARASSMENT (continued)

categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who **reports or participates in the reporting of unlawful discrimination**, files or **participates in the filing of a complaint**, or **investigates or otherwise** participates in the ~~filing or~~ investigation of a complaint or report ~~regarding an incident of alleging unlawful~~ discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Note: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to adopt and publicize its nondiscrimination policies to the school community. The following paragraph may be modified to reflect district practice.

In addition, in its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See the accompanying administrative regulation for specific measures to prevent discrimination and facilitate students' access to the educational program.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the **district's** educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

NONDISCRIMINATION/HARASSMENT (continued)

Note: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. The district should consult legal counsel as necessary.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion ~~for~~ **when the** behavior ~~that~~ is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

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

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

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Management Resources continued: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources: (continued)

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Transgender Students, May 2016

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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Center USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

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

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to

NONDISCRIMINATION/HARASSMENT (continued)

students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

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

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

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*
48900.3 *Suspension or expulsion for act of hate violence*
48900.4 *Suspension or expulsion for threats or harassment*
48904 *Liability of parent/guardian for willful student misconduct*
48907 *Student exercise of free expression*
48950 *Freedom of speech*
48985 *Translation of notices*
49020-49023 *Athletic programs*
51500 *Prohibited instruction or activity*
51501 *Prohibited means of instruction*
60044 *Prohibited instructional materials*

CIVIL CODE

1714.1 *Liability of parents/guardians for willful misconduct of minor*

PENAL CODE

422.55 *Definition of hate crime*
422.6 *Crimes, harassment*

CODE OF REGULATIONS, TITLE 5

432 *Student record*
4600-4687 *Uniform complaint procedures*
4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972*
12101-12213 *Title II equal opportunity for individuals with disabilities*

UNITED STATES CODE, TITLE 29

794 *Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000e-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*
2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*
6101-6107 *Age Discrimination Act of 1975*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 *Prohibition of discrimination on basis of race, color or national origin*
104.7 *Designation of responsible employee for Section 504*
106.8 *Designation of responsible employee for Title IX*
106.9 *Notification of nondiscrimination on basis of sex*

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Management Resources continued: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources: (continued)

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

CSBA Sample

Administrative Regulation

Students

AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

Note: The following mandated administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting, at school or in school-sponsored or school-related activities, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, ~~against of any~~ students based on ~~his/her~~ actual or perceived race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, ~~pregnancy~~, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 and other federal regulations mandates districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with ~~state and~~ federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraphs identify the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), including the investigation and resolution of discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with **applicable** state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints ~~regarding alleging~~ unlawful discrimination **targeting a student**, including discriminatory harassment, intimidation, or bullying, based on **the student's** actual or **perceived** race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, **pregnancy**, physical or mental

NONDISCRIMINATION/HARASSMENT (continued)

disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; ~~the perception of one or more of such characteristics;~~ or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts publicize their nondiscrimination notices and the full contact information for their compliance officer(s) by posting them at prominent locations on school web sites and making them available through social media.

Item #1 below may be revised to specify the means by which the district publicizes its nondiscrimination policies and complaint procedures.

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

NONDISCRIMINATION/HARASSMENT (continued)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See also CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students! Item #3 below may be modified to reflect district practice.

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy, **including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students.** The notice shall inform students and parents/guardians ~~of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, request to meet with the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student or resolve concerns that may arise from the district's implementation of its nondiscrimination policies.~~ **The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.**

(cf. 5145.6 - Parental Notifications)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

4. The Superintendent or designee shall ensure that ~~all~~ students and parents/guardians,

NONDISCRIMINATION/HARASSMENT (continued)

including ~~students and parents/guardians~~ **those** with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include **details of guidelines for the district may use to provide a discrimination-free environment for all district students**, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Item #6 below is required pursuant to Education Code 234.1 and recommended as a best practice by OCR.

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

Note: Item #7 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect him/her from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

NONDISCRIMINATION/HARASSMENT (continued)

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

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

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures specified in 5 CCR 4600-4687, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).

NONDISCRIMINATION/HARASSMENT (continued)

OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

NONDISCRIMINATION/HARASSMENT (continued)

Transgender and Gender-Nonconforming Students

Note: The following section may be modified to reflect district practice. Pursuant to Education Code 221.5, ~~as amended by AB 1266 (Ch. 85, Statutes of 2013)~~, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on his/her educational records. The following guidelines are designed to implement ~~AB 1266 and~~ Education Code 221.5, other existing state and federal laws that prohibit discrimination, ~~including discriminatory harassment, intimidation, retaliation, and bullying, against students based on their real or perceived gender identity and/or gender expression.~~ and regulatory agency guidance such as the May 2016 Dear Colleague Letter: Transgender Students jointly issued by the Civil Rights Division of the U.S. Department of Justice (DOJ) and OCR. According to the jointly issued Dear Colleague Letter, a school's Title IX obligation to ensure nondiscrimination on the basis of sex requires it to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents/guardians, or community members raise objections or concerns. In addition, in May 2016, the U.S. Department of Education's Office of Elementary and Secondary Education published Examples of Policies and Emerging Practices for Supporting Transgender Students as a resource to complement the jointly issued Dear Colleague Letter. Though OCR's enforcement of the May 2016 Dear Colleague Letter has been enjoined by a federal court, many of the recommended practices have already been adopted by California school districts to reflect state law protecting the rights of transgender students. The guidelines address certain issues and circumstances that may arise in relation to the needs of transgender and gender-nonconforming students, and are by no means exhaustive. Consequently, each instance or situation should be addressed based on its particular circumstances to ensure that the safety, privacy, and other concerns of all students involved are appropriately addressed. For more information on the rights of transgender students, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Final Guidance Regarding Transgender Students, Privacy, and Facilities.

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical

NONDISCRIMINATION/HARASSMENT (continued)

aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

Note: Timelines included in items #1-2 below may be modified to reflect district practice.
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NONDISCRIMINATION/HARASSMENT (continued)

1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the ~~physical, emotional, and other significant risks to the student~~ **student's need for support**, the compliance officer may ~~consider discussing~~ **discuss** with the student ~~the any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression~~ to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Note: In the May 2016 Dear Colleague Letter, DOJ and OCR noted that there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion **of his/her gender identity and begin to treat the student consistent with his/her gender identity** unless district personnel present a credible **and supportable** basis for believing that the student's assertion is for an improper purpose. ~~In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.~~
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a

NONDISCRIMINATION/HARASSMENT (continued)

meeting with the student and, if appropriate, his/her parents/guardians to identify ~~potential issues, including transition-related issues,~~ and develop strategies for ~~addressing them ensuring that the student's access to education programs and activities is maintained.~~ The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the ~~student's~~ **arrangements for the student** are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** ~~The district may~~ **When the district** maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, ~~A student~~ **students** shall be ~~entitled~~ **permitted** to access facilities and participate in programs and activities consistent with ~~his/her~~ **their** gender identity. ~~If available and requested by any student, regardless of the underlying reason,~~ **To address any student's privacy concerns in using sex-segregated facilities,** the district shall offer **available** options ~~to address privacy concerns in sex-segregated facilities~~ such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

NONDISCRIMINATION/HARASSMENT (continued)

Note: 5 CCR 432 requires the legal name, sex, date of birth, etc., of a student to be maintained as part of the student's "mandatory permanent student records" but does not prohibit keeping of other records, such as a student's preferred name, as part of the student's "permitted student records."

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. **Such preferred name may be added to the student's record and official documents as permitted by law.**

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

Center USD

Administrative Regulation

Nondiscrimination/Harassment

AR 5145.3

Students

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Personnel & Student Services
8408 Watt Avenue
Antelope, CA 95843
(916) 338-6413

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

NONDISCRIMINATION/HARASSMENT (continued)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

(cf. 5145.6 - Parental Notifications)

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students

NONDISCRIMINATION/HARASSMENT (continued)

when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

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

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

(cf. 5125 - Student Records)

NONDISCRIMINATION/HARASSMENT (continued)

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

NONDISCRIMINATION/HARASSMENT (continued)

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the

NONDISCRIMINATION/HARASSMENT (continued)

- other sex
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming
 4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
 5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information
 6. Use of gender-specific slurs
 7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student

NONDISCRIMINATION/HARASSMENT (continued)

refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff

NONDISCRIMINATION/HARASSMENT (continued)

about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district

NONDISCRIMINATION/HARASSMENT (continued)

personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

CSBA Sample

Exhibit

Students

E 5145.6(a)

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2015 (AB 93, Ch. 10, Statutes of 2015) extends the suspension of these requirements through the 2015-16 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (UCP) as mandated by 5 CCR 4622. Pursuant to Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015), the district is required to include information about specified educational rights of foster youth and homeless students in its annual UCP notification.

However, In addition to the notices required by law, there are other notices that districts are recommended to distribute. ~~(e.g., the notice included in~~ For example, AR 5145.3 - Nondiscrimination/Harassment includes an optional notice regarding the rights of transgender and gender-nonconforming students. ~~and the opportunity for a student to inform the district whenever his/her participation in a sex-segregated program or activity with a student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy).~~ Furthermore, although the California High School Exit Examination is suspended through the 2017-18 school year pursuant to Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), and therefore the notice described in Education Code 60850 is not currently required, districts may choose to notify parents/guardians of the suspension of the exam and the possibility that it could subsequently be reinstated.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 46010.1	BP 5113	Absence for confidential medical services

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	AR-BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	BP 5113 AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	BP 5113 AR 5113 AR 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	Consent to School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year 4622	Education Code 49013; 5 CCR	AR 1312.3 remedies	Uniform complaint procedures, available appeals, civil law
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Free and reduced price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6311 6312 ; 34 CFR 200.61	AR 4112.24 BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year, if any district school has been identified for program improvement or corrective action	20 USC 6316	AR 0520.2	Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
When child first enrolls in a public school, if the school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Beginning of each school year in grades 9-12 and when high school student transfers into the district	Education Code 48980, 60850	AR 6162.52	Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation
When students entering grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12	Education Code 51938, 48980	AR 6142.1	Explanation of sex and HIV/AIDS instruction, Sexual health and HIV prevention
education; right to view A/V materials, who's teaching,			request specific Education Code sections, right to excuse

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, 20 days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When student has been placed in structured English immersion program	Education Code 310-311; 5 CCR 11309	AR 6174	Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 440; 20 USC 7012	AR 6174	Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified a truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school premises
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
To person holding educational rights, within 30 days of foster or homeless youth's transfer between high schools	Education Code 51225.1	AR 6173 AR 6173.1	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
Within 14 days of instruction if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV/ AIDS or prevention or sexual health education by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who is not "highly qualified" does not meet state certification requirements for the grade level/subject taught	20 USC 6311 6312	AR 4112.24	Timely notice to parent/ guardian of child's assignment
When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress, to parents/ guardians of English learners	20 USC 6312	AR 0520.2	Notice of failure to make adequate yearly progress

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
When school identified for program improvement or corrective action	20 USC 6316	AR 0520.2 AR 5116.1	Explanation of identification, reasons, how problem will be addressed, how parents/guardians can become involved, transfer option, availability of supplemental services
When district identified for program improvement	20 USC 6316	AR 0520.3	Explanation of status, reasons for identification, how parents/guardians can participate in upgrading district
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6316	AR 6020	Notice of policy
For districts receiving Title III funds, within 30 days of the annual release of state Title III accountability report	20 USC 7012	AR 6174	Notification of any failure to make progress on state's measurable achievement objectives for English learners
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Notice of Need to submit verification information; any subsequent change in benefits; right to appeal appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2014 (SB 852, Ch. 25, Statutes of 2014) extends the suspension of these requirements through the 2014-15 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 46010.1	BP 5113	Absence for confidential medical services
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	AR 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	BP 5113 AR 5113	Absence for religious exercises or purposes

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 48205	BP 5113 AR 5113 AR 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	Consent to school immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Free and reduced price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6311; 34 CFR 200.61	AR 4112.24 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year, if any district school has been identified for program improvement or corrective action	20 USC 6316	AR 0520.2	Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
When child first enrolls in a public school, if the school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	AR 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Beginning of each school year in grades 9-12 and when high school student transfers into the district	Education Code 48980, 60850	AR 6162.52	Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
When students entering grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12	Education Code 51938, 48980	AR 6142.1	Explanation of sex and HIV/ AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, 20 days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur			
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When student has been placed in structured English immersion program	Education Code 310-311; 5 CCR 11309	AR 6174	Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 440; 20 USC 7012	AR 6174	Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3112	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified a truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When a school is identified on the state's Open Enrollment List	Education Code 48354; 5 CCR 4702	AR 5118	Student's option to transfer to another school
Within 60 days of receiving application for transfer out of open enrollment school	Education Code 48357; 5 CCR 4702	AR 5118	Whether student's transfer application is accepted or rejected; reasons for rejection
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school premises
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
To person holding educational rights, within 30 days of foster youth's transfer between high schools	Education Code 51225.1	AR 6173.1	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
Within 14 days of instruction if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: unexcused absences
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"	20 USC 6311	AR 4112.24	Timely notice to parent/ guardian of child's assignment
When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress, to parents/ guardians of English learners	20 USC 6312	AR 0520.2	Notice of failure to make adequate yearly progress
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When school identified for program improvement or corrective action	20 USC 6316	AR 0520.2 AR 5116.1	Explanation of identification, reasons, how problem will be addressed, how parents/ guardians can become involved, transfer option, availability of supplemental services
When district identified for program improvement	20 USC 6316	AR 0520.3	Explanation of status, reasons for identification, how parents/ guardians can participate in upgrading district
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
For districts receiving Title III funds, within 30 days of the annual release of state Title III accountability report	20 USC 7012	AR 6174	Notification of any failure to make progress on state's measurable achievement objectives for English learners
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Notice of need to submit verification information; any subsequent change in benefits; right to appeal
When student is homeless or unaccompanied minor	42 USC 11432	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. Classroom Notices			
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints re: sufficiency of instructional materials, teacher vacancy or misassignment, maintenance of facilities

CSBA Sample Board Policy

Students

BP 5145.7(a)

SEXUAL HARASSMENT

Note: Education Code 231.5 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting.

Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex.

A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX and/or Education Code 220, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. In Davis v. Monroe County Board of Education, the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in Donovan v. Poway Unified School District based on Education Code 220.

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice. See ~~BP/AR 4119.11/4219.11/4319.11—Sexual Harassment~~.

In April 2011, OCR issued its Dear Colleague Letter: Sexual Violence to supplement its January 2001 Revised Sexual Harassment Guidance on federal Title IX requirements as they pertain to sexual harassment. In the letter, OCR clarifies that sexual violence, including rape, sexual assault, sexual battery, and sexual coercion, is a form of sexual harassment that must be addressed by districts using the same procedures used to address other forms of sexual harassment, such as unwelcome sexual advances.

CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

SEXUAL HARASSMENT (continued)

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, **sexual harassment of students at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone.** The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

Note: OCR's January 2001 Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence note that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age.

It is also important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult **who has experienced off-campus sexual harassment that has a continuing effect on campus** to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. **Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.**

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR underlies the importance of training in preventing and responding to sexual harassment and encourages districts to provide training to all segments of the school community.

SEXUAL HARASSMENT (continued)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR acknowledges that, where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while he/she is away from school without permission may be reluctant to file a complaint if he/she believes that he/she may be disciplined for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. **A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students**
- ~~5.~~ 6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR restates the requirement that a district's procedure for investigating sexual harassment complaints must be widely disseminated and be written in language appropriate to the age of the school's students. Examples include having copies of the procedure available throughout the school, publishing the procedure in the student handbook, and identifying individuals who can explain the procedure.

SEXUAL HARASSMENT (continued)

- 6-7.** Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, **including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues**
- 8.** **A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment**

Complaint Process and Disciplinary Actions

Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain a specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures.

Complaints regarding Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Upon investigation of a sexual harassment complaint, Any student who engages found to have engaged in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or

SEXUAL HARASSMENT (continued)

expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Upon investigation of a sexual harassment complaint, Any staff member any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal have his/her employment terminated in accordance with applicable policies, laws, and/or the applicable collective bargaining agreements.

(cf. 4117.7 - Employment Status Report)

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

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

Legal Reference continued: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Transgender Students, May 2016

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Center USD

Board Policy

Sexual Harassment

BP 5145.7
Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

SEXUAL HARASSMENT (continued)

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

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

SEXUAL HARASSMENT (continued)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

- 200-262.4 *Prohibition of discrimination on the basis of sex*
- 48900 *Grounds for suspension or expulsion*
- 48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
- 48904 *Liability of parent/guardian for willful student misconduct*
- 48980 *Notice at beginning of term*

CIVIL CODE

- 51.9 *Liability for sexual harassment; business, service and professional relationships*
- 1714.1 *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

- 12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

- 4600-4687 *Uniform complaint procedures*
- 4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

- 1221 *Application of laws*
- 1232g *Family Educational Rights and Privacy Act*
- 1681-1688 *Title IX, discrimination*

UNITED STATES CODE, TITLE 42

- 1983 *Civil action for deprivation of rights*
- 2000d-2000d-7 *Title VI, Civil Rights Act of 1964*
- 2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 *Family Educational Rights and Privacy*
- 106.1-106.71 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

- Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567
- Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130
- Reese v. Jefferson School District*, (2001, 9th Cir.) 208 F.3d 736
- Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629
- Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274
- Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473
- Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

Management Resources: (see next page)

SEXUAL HARASSMENT (continued)

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

CSBA Sample

Administrative Regulation

Students

AR 5145.7(a)

SEXUAL HARASSMENT

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are **mandated** to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under AR 1312.3 - Uniform Complaint Procedures. To designate separate district employees to serve these functions, the district should modify the following paragraph accordingly.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Director of Personnel & Student Services
8408 Watt Avenue, Antelope, CA 95843
(916) 338-6320

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim. See AR 5144.1 - Suspension and Expulsion/Due Process.

Under OCRs 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

SEXUAL HARASSMENT (continued)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Note: The following list contains common examples of sexual harassment from the U.S. Department of Education's Office for Civil Rights' (OCR) April 2011 Dear Colleague Letter: Sexual Violence, its January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR 4916.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way

SEXUAL HARASSMENT (continued)

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. **Electronic communications containing comments, words, or images described above**

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Note: The following reporting process details site-level steps to be taken by students and others for reporting sexual harassment incidents. In its April 2011 Dear Colleague Letter: Sexual Violence and January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district.

Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures.

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a

SEXUAL HARASSMENT (continued)

hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a **verbal or informal** report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. **Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.**

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Confidentiality

Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included.

In determining what information to include and not include in the final written decision for complaints

SEXUAL HARASSMENT (continued)

regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information.

OCR's Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence, as well the FAQs issued in April 2014, indicate that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence.

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

Note: The following reporting process may be revised to reflect district practice. In its April 2011 Dear Colleague Letter: Sexual Violence, OCR cautions that districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school.

SEXUAL HARASSMENT (continued)

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. **To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment.** ~~Such~~—Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure.

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

Note: In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate the contact information for current compliance officer(s) to students, parents/guardians, and employees. Item #2 below may be modified to reflect the means used by the district to disseminate its sexual harassment policy and regulation.

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)

SEXUAL HARASSMENT (continued)

(cf. 1114 - District-Sponsored Social Media)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 below are optional .

5. Be included in the student handbook
6. Be provided to employees and employee organizations

(3/12 10/14) 9/16

Center USD

Administrative Regulation

Sexual Harassment

AR 5145.7
Students

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Director of Personnel & Student Services
8408 Watt Avenue
Antelope, CA 95843
(916) 338-6413

(cf. 1312.3 - Uniform Complaint Procedures)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

SEXUAL HARASSMENT (continued)

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

SEXUAL HARASSMENT (continued)

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered

SEXUAL HARASSMENT (continued)

even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

CSBA Sample Administrative Regulation

Instruction

AR 6158(a)

INDEPENDENT STUDY

Educational Opportunities

Note: The following section is **optional**. Education Code 51745 lists educational opportunities that may be provided through independent study. The district may revise or expand items #1-5 below to reflect district practice.

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction

(cf. 6143 - Courses of Study)

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel

(cf. 5112.3 - Student Leave of Absence)

5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

(cf. 0420.4 - Charter School Authorization)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6181 - Alternative Schools/Programs of Choice)

In addition, when requested by a parent/guardian due to an emergency, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

Note: The following paragraph is for use by districts maintaining high schools.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

INDEPENDENT STUDY (continued)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

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

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

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

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

Note: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries (Education Code 48204(b)) are not eligible for funds apportioned for average daily attendance (ADA).

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

(cf. 5111.1 - District Residency)

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

INDEPENDENT STUDY (continued)

(cf. 6159 - Individualized Education Program)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

Note: Education Code 46300.1 provides that the district may not receive apportionments pursuant to Education Code 42238 for independent study for students age 21 or older, or for students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. However, pursuant to Education Code 46300.4, these students may be eligible for independent study through the adult education program for courses required for high school graduation; see BP/AR 6200 - Adult Education.

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

(cf. 6200 - Adult Education)

Note: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study. A pregnant student or a parenting student who is the primary caregiver for his/her child(ren) is not included in this cap.

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

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

(cf. 6184 - Continuation Education)

Master Agreement

Note: Education Code 51747 mandates that, in order for the district to receive apportionments for independent study, the district must adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. Because apportionments are provided only for independent study of five or more consecutive school days pursuant to Education Code 46300, written agreements are required only in such instances.

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

INDEPENDENT STUDY (continued)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but not be limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student

Note: Pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. See the accompanying Board policy.

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments, by grade level and type of program, which will trigger an evaluation of whether the student should be allowed to continue in independent study

~~Note: SB 858 (Ch. 32, Statutes of 2014) amended Education Code 51747 to change the maximum duration of the agreement from one semester to one school year.~~

5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement that independent study is an optional educational alternative in which no student may be required to participate
8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

INDEPENDENT STUDY (continued)

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

Note: Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian, before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. Since all these components are included in the written agreement which the parent/guardian must sign, the parent/guardian's signature on the agreement satisfies the requirement to obtain his/her written permission.

9. Signatures of the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

~~Note: Education Code 51747, as amended by SB 858 (Ch. 32, Statutes of 2014), provides that the agreement may be maintained on file electronically.~~

~~The signed, dated agreement may be maintained on file electronically. (Education Code 51747)~~

Course-Based Independent Study

Note: Education Code 51749.5-51749.6, as added by SB 858 (Ch. 32, Statutes of 2014), establish a course-based independent study option that may be offered ~~beginning with the 2015-16 school year~~ if certain requirements are met, as described below. As a condition of offering this option, Education Code 51749.5 **mandates** that the district adopt policy or regulations that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.

The following paragraph may be revised to reflect the grade levels offered by the district.

The district shall offer a course-based independent study program for students in grades K-12 subject to the following requirements: (Education Code 51749.5)

1. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

(cf. 4112.2 - Certification)

INDEPENDENT STUDY (continued)

2. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality as equivalent classroom-based courses and shall be aligned to all relevant local and state content standards. This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses.
3. Students enrolled in these courses shall meet the applicable age requirements established pursuant to Education Code 46300.1 and 46300.4 and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 48204, and 51747.3.
4. Teachers shall communicate with each student in person, by telephone, or by any other live visual or audio connection at least twice per calendar month to assess whether the student is making satisfactory educational progress. For this purpose, satisfactory educational progress includes, but is not limited to, applicable statewide accountability measures and the completion of assignments, examinations, or other indicators that the student is working on assignments, learning required concepts, and progressing toward successful completion of the course, as determined by the teacher providing instruction.

Written or computer-based evidence of satisfactory educational progress shall be retained for each course and student, including, at a minimum, a grade book or summary document that lists all assignments, examinations, and associated grades for each course.

If satisfactory educational progress is not being made, the teacher shall notify the student and, if the student is under age 18 years, his/her parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether he/she should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

(cf. 5125 - Student Records)

5. Examinations shall be administered by a proctor.

INDEPENDENT STUDY (continued)

6. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

(cf. 6162.51 - State Academic Achievement Tests)

7. A student shall not be required to enroll in courses included in this program.
8. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
9. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

10. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
11. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

(cf. 3260 - Fees and Charges)

12. A student shall not be prohibited from participating in independent study solely on the basis that he/she does not have the materials, equipment, or Internet access necessary to participate in the course.

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, his/her parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to this program
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above

INDEPENDENT STUDY (continued)

3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources, including materials and personnel, that will be made available to the student
6. A statement that the student is not required to enroll in courses in this program
7. Signatures of the student, the student's parent/guardian if the student is under age 18 years, and all teachers providing instruction

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Monitoring Student Progress

Note: The following optional section may be revised to reflect district practice.
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The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

INDEPENDENT STUDY (continued)

When the student has missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Note: The CDE, in its Frequently Asked Questions available on its web site, clarifies that students in independent study are not subject to truancy laws. The determination of excused and unexcused absences is irrelevant because independent study students may complete assignments at any time and attendance is not the basis for credit.

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

Responsibilities of Independent Study Administrator

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

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

INDEPENDENT STUDY (continued)**Assignment and Responsibilities of Independent Study Teachers**

~~Note: The federal No Child Left Behind Act (20 USC 6319, 7801; 34 CFR 200.55-200.57; 5 CCR 6100-6126) requires teachers to demonstrate subject matter competency for each core academic subject they teach. Thus, middle and high school independent study programs may choose to assign subject matter specialists to oversee student work related to their subject, while assigning supervising teachers to oversee matters of student attendance, work samples, parent/guardian communications, and other duties of "homeroom" teachers. Districts that implement such a model may revise the following section to specify the duties of both supervising teachers and subject matter specialists assigned to work with independent study students.~~

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

Note: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded. AB 104 (Ch. 13, Statutes of 2015) amended Education Code 51745.6 to eliminate grade span as a factor in the computation of the ratios.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

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

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records" below
5. Providing direct instruction and counsel as necessary for individual student success

INDEPENDENT STUDY (continued)

6. Regularly meeting with the student to discuss the student's progress

Note: Pursuant to Education Code 51747.5, the district may only claim apportionment credit for independent study based on the time value of student work products as personally judged in each instance by a certificated teacher. SB-858 (Ch. 32, Statutes of 2014) amended Education Code 51747.5 to clarify specifies that the teacher is not required to sign and date the work products.
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7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

(cf. 4131 - Staff Development)

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

(cf. 3580 - District Records)

INDEPENDENT STUDY (continued)

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

Note: Education Code 51747, as amended by ~~SB 858 (Ch. 32, Statutes of 2014)~~, provides that the agreement may be maintained on file electronically. ~~SB 828 (Ch. 29, Statutes of 2016)~~, authorizes specified records to be maintained in an electronic file, as provided in the following paragraph. Pursuant to Education Code 51747, an electronic file includes a computer or electronically stored image of an original document, including, but not limited to, a PDF, JPEG, or other digital file type, that may be sent via fax machine, email, or other electronic means.

The signed, dated agreement, **any supplemental agreement, assignment records, work samples, and attendance records** may be maintained on file electronically. (Education Code 51747)

INDEPENDENT STUDY

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
(cf. 6143 - Courses of Study)
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel

(cf. 5112.3 - Student Leave of Absence)

5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

(cf. 0420.4 - Charter School Authorization)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6181 - Alternative Schools/Programs of Choice)

In addition, when requested by a parent/guardian due to an emergency, vacation, or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

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

INDEPENDENT STUDY (continued)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

(cf. 6200 - Adult Education)

INDEPENDENT STUDY (continued)

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant students and parenting students who are primary caregivers for one or more of their children, shall be enrolled in independent study. (Education Code 51745)

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

(cf. 6184 - Continuation Education)

Master Agreement

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but not be limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments, by grade level and type of program, which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion

INDEPENDENT STUDY (continued)

7. A statement that independent study is an optional educational alternative in which no student may be required to participate
8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

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

9. Signatures of the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

The signed, dated agreement may be maintained on file electronically. (Education Code 51747)

Course-Based Independent Study

The district shall offer a course-based independent study program for students in grades K-12 subject to the following requirements: (Education Code 51749.5)

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

(cf. 4112.2 - Certification)

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

2. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality as equivalent classroom-based courses and shall be aligned to all relevant local and state content standards. This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses.

INDEPENDENT STUDY (continued)

3. Students enrolled in these courses shall meet the applicable age requirements established pursuant to Education Code 46300.1 and 46300.4 and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 48204, and 51747.3.
4. Teachers shall communicate with each student in person, by telephone, or by any other live visual or audio connection at least twice per calendar month to assess whether the student is making satisfactory educational progress. For this purpose, satisfactory educational progress includes, but is not limited to, applicable statewide accountability measures and the completion of assignments, examinations, or other indicators that the student is working on assignments, learning required concepts, and progressing toward successful completion of the course, as determined by the teacher providing instruction.

Written or computer-based evidence of satisfactory educational progress shall be retained for each course and student, including, at a minimum, a grade book or summary document that lists all assignments, examinations, and associated grades for each course.

If satisfactory educational progress is not being made, the teacher shall notify the student and, if the student is under age 18 years, his/her parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether he/she should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

(cf. 5125 - Student Records)

5. Examinations shall be administered by a proctor.
6. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

(cf. 6162.51 - State Academic Achievement Tests)

7. A student shall not be required to enroll in courses included in this program.
8. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.

INDEPENDENT STUDY (continued)

9. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

10. Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.
11. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

(cf. 3260 - Fees and Charges)

12. A student shall not be prohibited from participating in independent study solely on the basis that he/she does not have the materials, equipment, or Internet access necessary to participate in the course.

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, his/her parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to this program
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources, including materials and personnel, that will be made available to the student

INDEPENDENT STUDY (continued)

6. A statement that the student is not required to enroll in courses in this program
7. Signatures of the student, the student's parent/guardian if the student is under age 18 years, and all teachers providing instruction

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

INDEPENDENT STUDY (continued)

1. Recommending certificated staff to be assigned as independent study teachers and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records" below
5. Providing direct instruction and counsel as necessary for individual student success

INDEPENDENT STUDY (continued)

6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

(cf. 4131 - Staff Development)

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

(cf. 3580 - District Records)

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

INDEPENDENT STUDY (continued)

CSBA Sample

Administrative Regulation

Instruction

AR 6164.41(a)

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

Definitions

Note: ~~As amended by 71 Fed. Reg. 156,~~ 34 CFR 300.131 requires the district to conduct a thorough "child find" process to determine the number of parentally placed children with disabilities attending private schools located in the district. The requirements of this administrative regulation do not apply to those situations in which a district has placed a student with a disability in a private school as a means of fulfilling the district's obligations to provide a free appropriate public education (FAPE) or when the parent/guardian has made a unilateral placement of the student in a private school when the provision of FAPE is an issue. See BP/AR 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education.

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR **300.130**, 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

Consultation with Private School Representatives

Note: ~~As amended by 71 Fed. Reg. 156, 34 CFR 300.134 requires that the district and private school representatives consult regarding items #1-6 below.~~

The Superintendent or designee shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN
PRIVATE SCHOOL (continued)**

Note: Pursuant to 34 CFR 300.132 and 300.133, a district must spend a "proportionate share" of federal funds on parentally placed private school children with disabilities. "Proportionate share" is a calculation based on the total number of eligible students in the district that are enrolled in both public and private schools, based on the formula detailed in 34 CFR 300.133.

3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable services
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that the district and private school disagree on the provision of or the types of services, how the district will provide the private school officials with a written explanation of the reasons that the district chose to not provide the services

Note: ~~As amended by 71 Fed. Reg. 156;~~ 34 CFR 300.136 specifies that a private school official may file a complaint with the California Department of Education (CDE) if he/she believes that the district did not engage in meaningful, timely consultation or did not give due consideration to the views of the private school official. The district must forward appropriate documentation to the CDE or, if necessary, to the U.S. Department of Education (USDOE).

When meaningful and timely consultation has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, the district shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within the district. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount the district must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL (continued)

Provision of Services

Note: Pursuant to 34 CFR 300.137, a parentally placed private school child has no individual right to receive the special education services that he/she would have received in the public school. Rather, the public school must meet with private school officials and representatives of private school children with disabilities to decide how to spend the money on all of the identified children.

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Note: The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46592, makes clear that the law (34 CFR 300.131 and 20 USC 1412) requires the district where the private school is located, not the district where the child resides, to conduct individual evaluations and subsequent reevaluations of children for purposes of determining the provision of equitable services.

The district shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Note: According to the Analysis of Comments, 71 Fed. Reg. 156, pg. 46593, if after an evaluation, the district where the private school is located determines that the child needs special education and related services, it would be the responsibility of the district where the child resides to make FAPE available. According to the ~~U.S. Department of Education~~ **USDOE**, in Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, if the parent/guardian makes clear his/her intention to keep the child enrolled in private school, then the district of residence need not make FAPE available to the child nor develop an individualized education program (IEP). In such a case, it is recommended that the district obtain written confirmation of that intention from the parent/guardian, as specified below.

In order to ensure that each child entitled to special education and related services from the district receives an offer of a free appropriate public education (FAPE), the district where the child resides shall develop an individualized education program (IEP) for each identified child who attends a private school located in the district and who resides in the district.

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN
PRIVATE SCHOOL (continued)**

However, the district shall not develop an IEP if the parent/guardian makes clear his/her intention to keep the child enrolled in private school. In such situations, the district shall obtain written certification confirming the parent/guardian's intention to keep his/her child enrolled in private school, including the fact that he/she is not interested in the development of an IEP or the district's offer of FAPE. If the parent/guardian does not provide confirmation in writing, the district shall obtain oral confirmation of the parent/guardian's intention and confirm the conversation in writing.

Note: In the Analysis of Comments, 71 Fed. Reg. 156, pg. 46593, the ~~U.S. Department of Education~~ **USDOE** acknowledges there may be a situation where two different districts are evaluating the same child, although for different purposes. 34 CFR 300.622 requires parent/guardian consent for the release of information about parentally placed private school children.

If the child resides in a different district, then this district and the district of residence shall work together to ensure that the parent/guardian receives an offer of FAPE in accordance with law.

Note: ~~As amended by 71 Fed. Reg. 156,~~ 34 CFR 300.138 requires the district to develop an individual services plan (ISP) for each identified child that describes the specific equitable services that will be provided by the district, as agreed to by the district and private school representatives during the consultation process. According to the ~~U.S. Department of Education~~ **USDOE**, in Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, the individual services plan (ISP) will be more limited than IEP developed for public school children.

The district shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that the district will provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

Note: The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46592-46593 clarifies that the ISP must, to the extent appropriate, meet the IEP content, development, review, and revision requirements.

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, the district shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138)

(cf. 6159 - Individualized Education Program)

Note: ~~As amended by 71 Fed. Reg. 156,~~ 34 CFR 300.142 details how federal funds may be used by the district to pay for the personnel services described below.

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN
PRIVATE SCHOOL (continued)**

The district may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school, ~~except private school teachers providing the services do not need to meet the requirements of the No Child Left Behind Act for "highly-qualified-special-education teacher" pursuant to 34 CFR 300.18.~~ The personnel shall either be district employees or contractors of the district. (34 CFR 300.138, 300.139)

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

The district shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, the district shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

The district may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain the property of the district and must be able to be removed without causing damage to the private school. The district shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)

Center USD

Administrative Regulation

Children With Disabilities Enrolled By Their Parents In Private School

AR 6164.41

Instruction

Definitions

Parentally placed private school children with disabilities means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR 300.131)

Private school or facility means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

Consultation with Private School Representatives

The Superintendent or designee shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process
3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable services
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that the district and private school disagree on the provision of or the types of services, how the district will provide the private school officials with a written explanation of the reasons that the district chose to not provide the services

When meaningful and timely consultation has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, the district shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within the district. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount the district must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

Provision of Services

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

The district shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

In order to ensure that each child entitled to special education and related services from the district receives an offer of a free appropriate public education (FAPE), the district where the child resides shall develop an individualized education program (IEP) for each identified child who attends a private school located in the district and who resides in the district.

However, the district shall not develop an IEP if the parent/guardian makes clear his/her intention to keep the child enrolled in private school. In such situations, the district shall obtain written certification confirming the parent/guardian's intention to keep his/her child enrolled in private school, including the fact that he/she is not interested in the development of an IEP or the district's offer of FAPE. If the parent/guardian does not provide confirmation in writing, the district shall obtain oral confirmation of the parent/guardian's intention and confirm the conversation in writing.

If the child resides in a different district, then this district and the district of residence shall work together to ensure that the parent/guardian receives an offer of FAPE in accordance with law.

The district shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that the district will

provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, the district shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138)

(cf. 6159 - Individualized Education Program)

The district may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school, except private school teachers providing the services do not need to meet the requirements of the No Child Left Behind Act for "highly qualified special education teacher" pursuant to 34 CFR 300.18. The personnel shall either be district employees or contractors of the district. (34 CFR 300.138, 300.139)

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

The district shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, the district shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

The district may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain the property of the district and must be able to be removed without causing damage to the private school. The district shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)

CSBA Sample

Board Policy

Instruction

BP 6179(a)

SUPPLEMENTAL INSTRUCTION

Note: The following policy is **mandated** pursuant to Education Code 48070.5 and should be revised to reflect the grade levels offered by the district.

Pursuant to Education Code 52060-52077, the Governing Board must annually adopt a local control and accountability plan which includes goals and actions aligned with eight state priorities, including student achievement; see BP/AR 0460 - Local Control and Accountability Plan. The provision of high-quality supplemental instruction may be one strategy to improve student achievement outcomes for underperforming students.

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the district in meeting its goals for student achievement.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 - Youth Services)

SUPPLEMENTAL INSTRUCTION (continued)

When determined to be necessary by the principal or designee, a student may be required to participate in supplemental instruction outside the regular school day. In such cases, written parent/guardian consent shall be obtained for the student's participation.

Note: Pursuant to Education Code 37252.2, districts are required to provide supplemental instruction to students in grades 2-9, inclusive, who have been retained or recommended for retention, as provided in item #1 below. Education Code 48070.5 mandates that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention. See BP/AR 5123 - Promotion/Acceleration/Retention for information regarding the criteria for identifying students for retention.

Supplemental instruction shall be offered to: ~~1.~~ students in grades 2-9 who have been retained or recommended for retention at their current grade level. (Education Code 37252.2, 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

Note: ~~Item #2 below is for use by districts that receive federal Title I funding. 20 USC 6316 requires that eligible students from low-income families be provided supplemental educational services (e.g., tutoring and other supplemental academic enrichment services) if their Title I school is identified for program improvement for two or more years based on failure to make "adequate yearly progress." Parents/guardians select these services from a list of providers with a demonstrated record of effectiveness. See BP/AR 0520.2 - Title I Program Improvement Schools for details regarding these services.~~

~~In addition, if the district is identified for program improvement pursuant to 20 USC 6316, the district must revise its local educational agency plan to incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year. See AR 0520.3 - Title I Program Improvement Districts.~~

- ~~2. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)~~

Note: The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required Title I schools identified for program improvement in year 2 or beyond to provide eligible students with supplemental educational services from an approved service provider. In accordance with the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. See AR 0520.2 - Title I Program Improvement Schools for details regarding this requirement.

The district shall offer alternative supports designed to increase the academic achievement of socioeconomically disadvantaged students attending schools identified by the California Department of Education for program improvement for two or more consecutive years.

SUPPLEMENTAL INSTRUCTION (continued)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

Note: Items #1-3 below are **optional** and may be revised to reflect district practice.

In addition, supplemental instruction may be offered to:

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who have been identified as being "at risk" for retention based on state assessment results, grades, or other indicators. See BP 5123 - Promotion/Acceleration/Retention for further information about criteria for identifying students as at risk of retention. If districts choose to offer such instruction, Education Code 48070.5 mandates that they adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are at risk for retention.

1. Students who are identified as being at risk for retention based on state assessment results, grades, or other indicators

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.51 - State Academic Achievement Tests)

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who are identified as having a deficiency in mathematics, reading, or written expression based on state assessment results. At their discretion, districts may offer such instruction to students who demonstrate academic deficiencies at any grade level or in any subject matter.

2. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards

(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6142.94 - History-Social Science Instruction)

Note: The following **optional** item may be used by districts maintaining high schools to provide support to students who need assistance to meet graduation requirements. Education Code 60851 requires districts to provide supplemental instruction to students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the California High School Exit Examination. However, pursuant to Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), administration of the exit exam is suspended through the 2017-18 school year. Thus, supplemental instruction that is focused on assisting high school students to succeed on the exit exam is not currently required.

3. High school students who need support to successfully complete courses required for graduation

Legal Reference: (see next page)

SUPPLEMENTAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

37252-37254.1 Supplemental instruction, summer school

42238.01-42238.07 Local control funding formula

46100 Length of school day

48070-48070.5 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-51212 Courses of study, elementary schools

51220-51228 Courses of study, secondary schools

52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

60850-60859 High school exit examination, especially:

60851.5 Suspension of high school exit examination

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

~~6316—Program improvement schools and districts~~

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, January 14, 2009

Innovations in Education: Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

Center USD

Board Policy

Supplemental Instruction

BP 6179
Instruction

The Governing Board recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5148.2 - Before/After School Programs)
(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

Supplemental instruction shall be offered to:

1. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

2. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

3. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation (Education Code 60851)

(cf. 6162.52 - High School Exit Examination)

"Sufficient progress" shall be determined based on a student's grades and the following indicators of academic achievement:

A combination of class, school, and/or district assessments, standardized test results, writings, samples, and/or other measures.

(cf. 5121 - Grades/Evaluation of Student Achievement)

The curriculum of the supplemental instructional program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

In addition, contingent on the district budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Based on state assessment results, grades, or other indicators, demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic standards
2. Have not passed one or both parts of the high school exit exam by the end of grade 12
3. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

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

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

4. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6143 - Courses of Study)

(cf. 6172 - Gifted and Talented Student Program)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 - Youth Services)

When determined to be necessary by the principal or designee, a student may be required to participate in a supplemental instruction. In such cases, written parent/guardian consent shall be obtained for the student's participation.

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

37252-37254.1 Supplemental instruction, summer school

41505-41508 Pupil Retention Block Grant

42238.01-42238.07 Local control funding formula

46100 Length of school day

48070-48070.5 Promotion and retention

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51210-51212 Courses of study, elementary schools

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52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

60850-60859 High school exit examination

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools and districts

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, January 14, 2009

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

CSBA Sample

Board Policy

Instruction

BP 6200(a)

ADULT EDUCATION

Note: The following Board policy is for use by any high school district or unified school district that maintains an adult education school or program or that participates in a program offered by the county office of education.

Education Code 84900-84920, as added by AB 104 (Ch. 13, Statutes of 2015), establish the Adult Education Block Grant to provide adult education services through a regional consortium of school districts, county offices of education, community college districts, and joint powers authorities consisting of those entities. Other funding for adult education may be available through local control funding formula apportionments, California Work Opportunity and Responsibility to Kids (CalWORKs) funds for education and job training (Welfare and Institutions Code 11320-11329.5), the federal Workforce Innovation and Opportunity Act (29 USC 3101-3255), Adult Education and Literacy Act (29 USC 3271-3333), and/or Carl D. Perkins Career and Technical Education Act (20 USC 2301-2415). The district may revise the following policy to reflect requirements of the program(s) it offers.

The Governing Board ~~recognizes~~ **believes** that education is a lifelong process and that it is important for individuals to continuously develop new skills. **Eligible adults shall be offered opportunities to enroll in programs and courses that develop academic and workforce skills and, as appropriate, lead to completion of requirements for high school graduation.**

~~Note: Education Code 52501 authorizes districts maintaining secondary schools to establish and maintain classes for adults for specified purposes. Education Code 52616.21 authorizes the county office of education in geographically isolated, sparsely populated areas to administer an adult education program in which eligible school districts within its jurisdiction may participate and specifies conditions for receiving related apportionments. Option 2 below is offered for use by districts that may participate in a county-administered program. Option 1 below is for use by districts that maintain classes for adults as authorized by Education Code 52501. Option 2 is for use by districts whose students may participate in an adult education program administered by a county office of education in geographically isolated, sparsely populated areas as authorized by Education Code 52616.21.~~

Education Code 51056 and 52515 require approval by the California Department of Education (CDE) of courses offered in adult education programs. See the accompanying administrative regulation and the CDE's Adult Education Handbook for California.

OPTION 1: ~~The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program. shall recommend, for approval by the Board and the California Department of Education, courses to be offered through the district's adult education program.~~

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

OPTION 2: ~~The district may shall participate in the adult education program administered by the county office of education. District students enrolled in this program shall be under the immediate supervision of a certificated district employee.~~

ADULT EDUCATION (continued)

Note: The following two optional paragraphs may be used by districts that select either Option 1 or 2 above and participate in the regional consortium established for purposes of the Adult Education Block Grant pursuant to Education Code 84900-84920, as added by AB 104 (Ch. 13, Statutes of 2015). The consortium is required to approve an adult education plan containing the components specified in Education Code 84906 at least once every three years and to update the plan at least once each year based on available data.

Funds allocated through this block grant may be used in accordance with Education Code 84913, including to provide support for adult education programs related to elementary and secondary basic skills, entry or reentry into the workforce, career technical education, pre-apprenticeship training, knowledge and skills to assist K-12 students to succeed academically, and programs for immigrants and adults with disabilities. See the accompanying administrative regulation.

To ensure efficient and coordinated adult education services, the district shall collaborate with other local educational agencies and the community college district in the region's adult education consortium. The district shall participate in the consortium's identification of the educational needs of adults in the region, identification of available funding and services, development and approval of an adult education plan pursuant to Education Code 84906, and implementation of strategies to address the identified needs, improve the effectiveness of district services, and improve students' transitions into postsecondary education and the workforce.

The district's representative to the region's adult education consortium shall be designated by the Board. (Education Code 84905)

(cf. 9140 - Board Representatives)

Note: The remainder of this policy is for use by districts selecting Option 1 above, but may be adapted for use by districts selecting Option 2.

Classes organized primarily for adults may be taught by holders of the designated subjects adult teaching credential pursuant to Education Code 44260.2-44260.3. See the Commission on Teacher Credentialing's web site for further information and credential requirements.

The Superintendent or designee shall ensure that all teachers of adult education classes possess an appropriate credential issued by the Commission on Teacher Credentialing and have access to high-quality professional development to continuously enhance their knowledge and skills.

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

Adult education classes may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board. (Education Code 52505, 52513)

ADULT EDUCATION (continued)

Note: Education Code 52516 authorizes any school district maintaining an adult school or program, with the approval of the CDE, to establish a prescribed If the district's adult school or program offers a course in elementary subjects appropriate to the needs of adults, as authorized by Education Code 52516 and 84913, the Board is mandated pursuant to Education Code 52510 mandates the Board of such a district to prescribe requirements for eighth-grade graduation. Items #1-2 below should be revised to reflect district practice.

A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of both of the following:

1. At least one term in the adult elementary program which includes reading, writing, arithmetic, spelling, current events, geography, California and U.S. history, civics, and natural science
2. Overall eighth-grade placement on a recognized standard standardized achievement test
3. Successful passage of a district test in U.S. history and Constitution

Note: Education Code 52509 mandates the Board of any district maintaining an adult school or program to prescribe requirements for the granting of a high school diploma. Courses required for a high school diploma in California are specified in Education Code 51225.3; see BP 6146.1 - High School Graduation Requirements. and include two courses in physical education. Adult students may be exempted from the physical education requirement in pursuant to Education Code 51241 or 51246. For Students obtaining seeking their high school diploma through adult education must meet those course requirements. However, the district also may revise waive any high school graduation requirements established by the district. Districts that have so revised their local graduation requirements for adult education students should modify the following sentence paragraph as appropriate.

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

(cf. 6142.7 - Physical Education and Activity)

(cf. 6146.1 - High School Graduation Requirements)

Note: The following paragraph may be revised to reflect indicators of program effectiveness identified by the district and/or adult education regional consortium in which the district participates. Education Code 84920, as added by AB 104 (Ch. 13, Statutes of 2015), requires the Superintendent of Public Instruction and California Community College Chancellor to identify common measures for determining the effectiveness of school districts and other consortium members in meeting the educational needs of adults. In addition, for districts participating in the federal Adult Education and Family Literacy Act, the CDE requires the use of the Comprehensive Adult Student Assessment Systems (CASAS), a set of standardized assessment instruments developed by the nonprofit organization CASAS, to track the progress of adult students.

The Superintendent or designee shall regularly report to the Board on the effectiveness

ADULT EDUCATION (continued)

of the district's adult education program. This report shall include, but not be limited to, the number of adults and high school students participating in the program, student participation in each type of adult education course or class, and the extent to which students successfully completed these programs, including, as applicable, the completion of requirements for the high school diploma or certificate of equivalency.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

8500-8538 Adult education

10200 CalWORKs education and job training plan

41975-41976.2 Adult education; authorized classes and courses

44260.2-44260.3 Credential requirements, designated subjects adult education credential

44865 Qualifications for home teachers and teachers in special classes

46190-46192 Adult school; days of attendance

46300.1-46300.4 Independent study in adult education

~~46351-46352 Adult classes~~

51040 Prescribed courses

51056 Adult education course of study

51225.3 Requirements for graduation

51241 Physical education exemptions

~~51246 Exemption from attendance-Physical education exemptions~~

51730-51732 Elementary school special day and evening classes

51745-51749.6 Independent study

51810-51815 Community service classes

~~51938 Parental excuse from sexual education or HIV/AIDS prevention education~~

52500-52523 Adult schools

52530-52531 Use of hospitals

52540-52544 Adult English classes

52550-52556 Classes in citizenship

52570-52572 Disabled adults

52610-52616.24 Adult schools, finances

52651-52656 Immigrant Workforce Preparation Act

60410 Books for adult classes

84830 Adult education consortium

84900-84920 Adult Education Block Grant

WELFARE AND INSTITUTIONS CODE

11320-11329.5 CalWORKs, including education and job training

CODE OF REGULATIONS, TITLE 5

10501 Adult education

10508 Records and reports

10530-1056034 Standards

80034 Teaching credentials, adult education

80034.5 Adult education, substitute teachers

80036-80036.4 Requirements for designated subjects adult education credential

Legal Reference continued: (see next page)

ADULT EDUCATION (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5 (continued)

80040.2-80040.2.7 Programs of personalized preparation for the designated subjects adult education teaching credentialing

UNITED STATES CODE, TITLE 8

1184 Foreign students

UNITED STATES CODE, TITLE 20

2301-2415 Carl D. Perkins Career and Technical Education Act

UNITED STATES CODE, TITLE 29

3101-3255 Workforce Innovation and Opportunity Act

3271-3333 Adult Education and Family Literacy Act

Management Resources:

CDE CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Adult Education Handbook for California, 1997 2005

Pupil Fees, Charges, and Other Deposits, Fiscal Management Advisory 12-02, April 24, 2013

WEB SITES

California Council for Adult Education: <http://www.ccaestate.org>

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

**California Department of Industrial Relations, Division of Apprenticeship Standards:
<https://www.dir.ca.gov/das>**

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

Comprehensive Adult Student Assessment Systems: <https://www.casas.org>

Center USD

Board Policy

Adult Education

BP 6200

Instruction

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

Economic, technological and social changes make it important for adults to continually acquire new skills and knowledge. The Governing Board believes that our community's adults deserve opportunities to update their education and realize their fullest potential.

The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program.

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

Legal Reference:

EDUCATION CODE

8500-8538 Adult education

11320-11320.6 Distance learning projects

41505-41508 Pupil Retention Block Grant

41976-41976.1 Adult education; authorized classes and courses

44865 Qualifications for home teachers and teachers in special classes

46190 Adult school; days of attendance

46300.3-46300.4 Independent study in adult education

46351-46352 Adult classes

51040 Prescribed courses

51225.3 Requirements for graduation

51241 Temporary or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

51246 Exemption from physical education for certain students in grade 12

51730-51732 Elementary school special day and evening classes

51810-51815 Community service classes

51938 Parental excuse from sexual education or HIV/AIDS prevention education

52500-52523 Adult schools

52530-52531 Use of hospitals

52540-52544 Adult English classes

52550-52556 Classes in citizenship
52570-52572 Handicapped adults
52610-52616.24 Finances
52651-52656 Immigrant Workforce Preparation Act
60410 Books for adult classes
CODE OF REGULATIONS, TITLE 5
10501-10560 Adult Education

Management Resources:

CDE PUBLICATIONS

Adult Education Handbook for California

CDE PROGRAM ADVISORIES

0600.92 Using Independent Study in Adult Education Programs: An Option

0609.88 Education Fees for F-1 Visa Students

0622.87 Discrimination against the Handicapped in Adult Education Programs

Policy
adopted: May 23, 1996

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample

Administrative Regulation

Instruction

AR 6200(a)

ADULT EDUCATION

Note: The following administrative regulation may be revised for consistency with the adult education plan adopted by the regional consortium established for the Adult Education Block Grant, pursuant to Education Code 84906, as added by AB 104 (Ch. 13, Statutes of 2015). In addition, districts that participate in a county-operated adult education program (Option 2 in the accompanying Board policy) should tailor the following administrative regulation to delete references to district programs.

Enrollment

With the exception of programs specified in Education Code 52570, adult education classes ~~The class shall be located in a facility which clearly identifies the class as being open to the general public., with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons~~ (Education Code 52517, 52570)

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

Note: The following paragraph may be revised to reflect programs in which the district participates.

For purposes of the Adult Education Block Grant pursuant to Education Code 84900-84920, adults include persons 18 years of age or older. ~~For purposes of these other adult education programs, adults include persons age 18 or older and other persons not concurrently enrolled in a regular high school program. However, high school students may be concurrently enrolled in adult education under the conditions specified in the section "Concurrent Enrollment of High School Students" below.~~ (Education Code 52610, 84901)

Note: Pursuant to federal immigration law, 8 USC 1184, foreign students can no longer cannot obtain an F-1 visa in order to attend publicly funded adult education schools. ~~Students currently enrolled with an F-1 visa may continue to attend adult schools until these visas expire or until those students leave the United States. These students must continue to pay tuition in accordance with state law. See the section entitled "Fees" below. The law does not affect persons using any visa other than the F-1. The district is not authorized or required to determine the visa status of students. This issue will arise only when the student requests an I-20 certification from the district or if the district is contacted by the U.S. Immigration and Customs Enforcement.~~

~~Students possessing or seeking an F-1 visa designation shall not be enrolled in district adult school programs. Students currently enrolled with an F-1 visa designation shall continue to be eligible for enrollment in district adult schools until their visas expire or until they leave the United States. (8 USC 1184)~~

(cf. 5111.2 - Nonresident Foreign Students)

ADULT EDUCATION (continued)

Concurrent Enrollment of High School Students

High school students shall be permitted to enroll in an adult education program, course, or class for sound educational purposes, **including** ~~Sound educational purposes include~~, but are not limited to, the following: (Education Code 52523)

1. The adult education program, course, or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course, or class in order to make up deficient credits for graduation from high school.

(cf. 6146.1 - High School Graduation Requirements)

3. The adult education program, course, or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's ~~vocational and career~~ technical education program.

(cf. 6178 - Career Technical Education)

4. The adult education program, course, or class supplements and enriches the high school student's educational experience.

Note: The following paragraph is optional.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

~~Note: The CDE has taken the position that the counseling session described below need not be satisfied by a face-to-face meeting.~~

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes his/her parent/guardian and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the **meeting counseling session** and both of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education **course or** class
2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

ADULT EDUCATION (continued)

Note: The following paragraph is optional. Education Code 52500.1 does not require that the above statement be signed. However, obtaining the signature of all parties is one way to document the student's voluntary participation in the program and the high school representative's determination that the program will enhance the student's progress toward graduation. ~~for coordinated compliance review purposes, the CDE requires the following signatures:~~

The above statement shall be signed by the student, the parent/guardian, and the certificated high school representative.

(cf. 6164.2 - Guidance/Counseling Services)

Classes offered in the district's adult education program shall supplement and not supplant the regular high school curriculum. No course required by the district for high school graduation or necessary for students to maintain satisfactory academic progress shall be offered exclusively through the adult education program. (Education Code 52523)

Programs and Courses

~~Note: Education Code 52515 states that no funds shall be apportioned for adult school attendance unless the courses have been approved by the CDE. The CDE's approval criteria reflected in items #1-4 below are set forth in the CDE's Adult Education Handbook for California. Pursuant to Education Code 52506, this handbook also includes course approval criteria.~~

~~A proposed adult education class shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:~~

- ~~1. The class shall be located in a facility which clearly identifies the class as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)~~**
- ~~2. Class time shall be devoted to instruction.~~**
- ~~3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.~~**
- ~~4. The course title shall clearly indicate its educational nature.~~**

Note: Pursuant to Education Code 41976, adult education courses for which apportionment is claimed must also fall within categories specified below. The following list should be revised to reflect the types of adult education programs offered by the district. Education Code 84913, as added by AB 104 (Ch. 13, Statutes of 2015), authorizes the use of Adult Education Block Grant funds to support the programs listed in items #1-7 below. Education Code 41976, as amended by AB 104, authorizes the use of local control funding formula and/or other district funds for many of these same purposes, as well as the purposes listed in items #8-12 below.

ADULT EDUCATION (continued)

Adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976, **84913**)

Note: ~~Apportionments for classes described in item #2 below may be generated only by students who do not possess a high school diploma, except for remedial academic courses or classes in reading, mathematics and language arts.~~

- ~~2.~~ **1. Programs in elementary and secondary basic skills, and other courses and classes required for the including programs leading to a high school diploma or high school equivalency certificate**

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Note: Education Code 52550-52556 set conditions for establishing citizenship programs in high school districts when 25 or more persons residing in the district apply for such training. ~~In addition, pursuant to Education Code 52613, F-1 visa students may not be counted for apportionment purposes in a class in elementary subjects or English and citizenship for foreigners.~~

- ~~4.~~ **2. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving, and other classes required for preparation to participate in job-specific technical training**
- 3. Programs for adults, including, but not limited to, older adults, that are primarily related to entry or reentry into the workforce**
- 4. Programs for adults, including, but not limited to, older adults, that are primarily designed to develop knowledge and skills to assist elementary and secondary students to succeed academically in school**
- 5. Programs for substantially disabled persons adults with disabilities**
- 6. Short-term vocational career technical education programs with high employment potential**

Note: Education Code 84913, as added by AB 104 (Ch. 13, Statutes of 2015), authorizes the use of Adult Education Block Grant funds to support pre-apprenticeship training activities, as provided in item #7 below. Pre-apprenticeship training activities must be conducted in coordination with apprenticeship programs approved by the California Department of Industrial Relations' Division of Apprenticeship Standards for the occupation and geographic area.

- ~~8.~~ **7. Programs for apprentices offering pre-apprenticeship training activities in coordination with one or more approved apprenticeship programs**

ADULT EDUCATION (continued)

Note: The types of programs listed in optional items #8-12 below are not authorized uses of the Adult Education Block Grant. However, Education Code 41976 authorizes the use of other district funds for these purposes, as well as the purposes listed in items #1-2 and #5-7 above.

8. Programs in parenting, including parent cooperative preschools, and classes in child growth and development, parent-child relationships, and parenting

Note: Education Code 52540-52544 set conditions for establishing ESL classes in high school districts when 20 or more adults residing in the district apply for such classes.

9. English as a second language
10. Programs for older adults
11. Home economics
12. Health and safety education

Note: Pursuant to Education Code 51056 and 52515, adult education courses must be approved by the CDE. According to the CDE's Adult Education Handbook for California, districts must annually submit a list of course titles to the CDE for approval. Authorized courses are listed in the Adult Education Course Approval System (A-22) on the CDE's web site.

The Superintendent or designee shall annually submit to the California Department of Education for approval the titles of classes that have been approved by the Governing Board to be offered in any of the program areas listed above.

~~**Note:** Education Code 52518 prohibits districts from receiving apportionments for adult classes in dancing or recreational physical education. In addition, Education Code 41976, 52500.1 and 52523 identify programs and classes for which high school students may not be counted for adult education apportionment purposes.~~

Note: The following optional paragraph is for use by districts that offer community service classes; see BP 6146.4 - Service Learning/Community Service Classes. Pursuant to Education Code 51810, the district may provide community service classes in specified subjects without the approval of the CDE.

Adults also may be enrolled in community service classes offered by the district. (Education Code 51811)

(cf. 6146.4 - Service Learning/Community Service Classes)

All adult education programs, courses, and classes and their enrollment period shall be listed published in the district's catalog of adult education classes provided to the public. (Education Code 52523)

ADULT EDUCATION (continued)

Community Service Classes

~~Note: Education Code 51810 authorizes districts maintaining secondary schools to establish and maintain community service classes without CDE approval. Education Code 51815 allows the Board to charge fees not to exceed the cost of maintaining the classes.~~

~~As part of the adult education program, the Board may establish and maintain community service classes to provide instruction that contributes to the physical, mental, moral, economic or civil development of any persons who may wish to enroll. (Education Code 51810)~~

~~Certificates of skill or accomplishment may be provided upon the satisfactory completion of community service classes. (Education Code 51813)~~

Independent Study

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

(cf. 6158 - Independent Study)

Participation in independent study shall be voluntary. (Education Code 51747)

~~Note: Pursuant to Education Code 46300.4, for certain students age 19 or older participating in independent study, attendance credit is eligible for apportionment only for courses required for high school graduation.~~

~~For students 21 years of age or older, or students 19 years of age or older who have not been continuously enrolled in school since their 18th birthday, Any course taken through independent study must shall be a course listed in Education Code 51225.3 or otherwise required by the Board as a prerequisite to receiving a diploma for high school graduation. (Education Code 46300.4)~~

~~An adult who has been continuously enrolled in K-12 education since his/her 18th birthday may remain engaged in K-12 independent study until his/her 21st birthday. (Education Code 46300.1)~~

~~Note: A CDE Program Advisory of June 1992 states that certain restrictions that apply to independent study in K-12 schools do not apply in an adult education program. For example, the teacher student ratio in adult education independent study is not limited, and the general supervision of adult education independent study students is not restricted to employees certificated pursuant to Education Code 44865.~~

Fees

~~Note: Education Code 52612-52613 authorizes the district to charge fees for adult education classes, with~~

ADULT EDUCATION (continued)

certain exceptions. The total of these fees plus revenues derived from ADA must not exceed the estimated cost of all such classes. **The following section should be revised to reflect district practice.**

~~The district may charge adult education students a registration fee for each adult education class, with the following exceptions. No fee shall be charged for the following adult education classes or programs: (Education Code 52612, 52613)~~

1. ~~No fee shall be charged for~~ A class for which high school credit is granted, if the class is taken by an individual who does not hold a high school diploma. ~~(Education Code 52612)~~

~~Note: Districts are required by Education Code 52613 to charge students with an F-1 visa designation tuition for study in adult education programs. However, pursuant to federal immigration law, 8 USC 1184, foreign students can no longer obtain an F-1 visa to attend publicly funded adult education schools. Therefore, districts should continue to charge tuition to adult students currently enrolled who are known to be in the United States on an F-1 visa, but as those visas expire, district officials must decline to complete the student's required I-20 certification.~~

2. ~~No charge shall be made for~~ A class in an elementary subject or a class in English as a second language or citizenship, ~~for foreigners~~ unless the student is a nonimmigrant alien with an F-1 visa status. Any nonimmigrants enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. ~~(Education Code 52612, 52613)~~

Note: The following paragraph is optional.

Except for those fees required by law, ~~at the recommendation of the Superintendent or designee,~~ the payment of fees may be waived in cases of ~~unusual~~ hardship at the recommendation of the Superintendent or designee.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the district at cost or may be obtained on loan with the payment of a refundable deposit. In addition, materials purchased from the incidental expense account may be sold to adult school students for use in their classes. (Education Code 52615, 60410)

(cf. 3260 - Fees and Charges)

(6/97 7/99) 5/16

Center USD

Administrative Regulation

Adult Education

AR 6200
Instruction

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

All adult education programs, courses and classes and their enrollment period shall be listed in the district's catalog of adult education classes provided to the public. (Education Code 52523)

Enrollment

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

High school students shall be permitted to enroll in an adult education program, course or class for sound educational purposes. Such classes shall not supplant the regular high school curriculum. Enrollment purposes include, but are not limited to, the following: (Education Code 52523)

1. The adult education program, course or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course or class in order to make up deficient credits for graduation from high school.
3. The adult education program, course or class allows the student to gain vocational and technical skills.
4. The adult education program, course or class supplements and enriches the high school student's educational experience.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Before enrolling in an adult education class, the high school student must complete a

counseling session with his/her parent/guardian and a certificated representative of the high school. The certificated high school representative shall arrange this meeting and ensure that the student's school record includes written documentation of the meeting, including the following statements: (Education Code 52500.1)

1. That the student is enrolling voluntarily in the adult education class, and
2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation.

The above statement shall be signed by the student, the parent/guardian and the certificated high school representative.

Course Approval

Proposed adult education classes shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:

1. Classes shall be located in facilities which clearly identify the classes as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of handicapped adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)
2. Class time shall be devoted to instruction.
3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.
4. The course title shall clearly indicate its educational nature.

Adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976)

1. Parenting, including parent cooperative preschools, classes in child growth and development, and parent-child relationships.
2. Elementary and secondary basic skills and other courses and classes required for the high school diploma.
3. English as a second language (ESL).
4. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving, and other classes required for preparation to participate in job-specific technical training.
5. Programs for substantially disabled persons.
6. Short-term vocational programs with high employment potential.

7. Programs for older adults.
8. Programs for apprentices.
9. Home economics.
10. Health and safety education.

Community Service Classes

As part of the adult education program, the Governing Board may establish and maintain community service classes to provide instruction that contributes to the physical, mental, moral, economic or civic development of any persons who may wish to enroll. (Education Code 51810)

Certificates of skill or accomplishment may be provided upon the satisfactory completion of community service classes. (Education Code 51813)

Independent Study

The district may make independent study available in the adult education program as an instructional strategy for students 21 years of age or older, or students 19 years of age or older who have not been continuously enrolled in school since their 18th birthday. However, in order for reimbursement to be obtained, the course must meet the district's requirements for a high school diploma. (Education Code 46300.4)

Fees

The district may charge adult students a registration fee for each adult education class, with the following exceptions:

1. No fee shall be charged for a class for which high school credit is granted if the class is taken by an individual who does not hold a high school diploma. (Education Code 52612)
2. No charge shall be made for a class in an elementary subject or a class in English or citizenship for immigrants unless the student is a nonimmigrant alien. Any nonimmigrant aliens enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. (Education Code 52612, 52613)

At the recommendation of the Superintendent or designee, the payment of fees may be waived in cases of unusual hardship.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the district at cost or may be obtained on loan with the payment of a refundable deposit. (Education Code 52615, 60410)

(cf. 3260 - Fees and Charges)

Diplomas and Certificates

A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of the following:

1. At least one term in the adult elementary program which includes reading, writing, arithmetic, spelling, current events, geography, California and U.S. history, civics and natural science.
2. Overall eighth-grade placement on a recognized standard achievement test.
3. Successful passage of a district test in U.S. history and Constitution.

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

Regulation
approved:

CENTER UNIFIED SCHOOL DISTRICT
May 23, 1996 Antelope, 1996

Add

CSBA Sample Board Bylaw

Board Bylaws

BB 9222(a)

RESIGNATION

Note: Pursuant to Education Code 5090, a Governing Board member who wishes to resign must file a written resignation with the County Superintendent of Schools having jurisdiction over the district. The resignation results in a vacancy on the Board which, pursuant to Government Code 1770 and Education Code 5091-5093, requires the Board to either order an election or make a provisional appointment as appropriate, unless the vacancy occurs within four months of the end of the Board member's term in which case the Board will take no action. See BB 9223 - Filling Vacancies for information about timelines, processes, and eligibility requirements for filling vacancies.

A member of the Governing Board member who wishes to resign from the Board may ~~do so by filing~~ shall file a written resignation with the County Superintendent of Schools. (Education Code 5090)

Note: The following paragraph is optional.

~~A copy shall be given~~ The resigning Board member shall also notify the Board and give a copy of his/her written resignation to the Board secretary.

The written resignation is shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. A Board member may not defer the effective date of his/her resignation for more than 60 days after filing he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable ~~upon being filed~~. (Education Code 5090)

~~Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation.~~ A Board member who tenders his/her resignation with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that he/she shall not have the right to vote for his/her successor in an action taken by the Board to make a provisional appointment. (Education Code 5091, 35178)

(cf. 9223 - Filling Vacancies)

Note: ~~When leaving office, the Board member is required to file a financial disclosure statement within 30 days. See BB 9270 - Conflict of Interest.~~

A Board member who resigns shall file, within 30 days of leaving office, a revised Statement of Economic Interest/Form 700 covering the period of time between the

RESIGNATION (continued)

**closing date of the last statement required to be filed and the date he/she leaves office.
(Government Code 87302, 87500)**

(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

5090 Definition (vacancy)

5091 Special election

5090-5095 Vacancies on the board

35178 Resignation with deferred effective date

GOVERNMENT CODE

1770 Vacancy on the board

87300-87313 Conflict of interest code

87500 Statement of economic interests

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

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

CSBA Sample

Board Bylaw

Board Bylaws

BB 9270(a)

CONFLICT OF INTEREST

Note: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes: (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87505), detailed in the section below entitled "Conflict of Interest under the Political Reform Act," and (2) Government Code 1090-1098, detailed in the section below entitled "~~Financial Interest in Contracts~~Conflict of Interest under Government Code 1090 - Financial Interest in a Contract." However, Even when a conflict does not exist pursuant to those statutes, ~~the Attorney General has found that special situations may still exist~~ a violation might still occur under the common law doctrine against conflict of interest; see the section below entitled "Common Law Doctrine Against Conflict of Interest."

Because the law and definitions are quite complex, it is strongly recommended that districts consult with legal counsel and staff from the Fair Political Practices Commission (FPPC) as soon as a potential conflict is presented.

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. ~~In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.~~ Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if ~~there is not~~ a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

Note: The following paragraph reflects the common law definition of "relative within the third degree."

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to

CONFLICT OF INTEREST (continued)

disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.

Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions and disclosure categories. The accompanying exhibit (E 9270) contains a sample resolution that includes an appendix with designated positions and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body. ~~Districts that do not wish to adopt a resolution as their conflict of interest code should modify the following paragraph accordingly.~~

The Board shall adopt ~~a resolution that specifies the terms of~~ for the district's a conflict of interest code, ~~that incorporates the provisions of 2 CCR 18730 by reference, specifies~~ the district's designated positions, and ~~provides~~ the disclosure categories required for each position. ~~The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body.~~ (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body ~~or, if no change is required, the Board shall submit a written statement to that effect.~~ (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days ~~after the changed circumstances necessitating the amendments have become apparent.~~ (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

CONFLICT OF INTEREST (continued)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last **required** statement and the date of leaving office or district employment. (Government Code 87302, ~~87500-87302.6~~)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

Note: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755, and interpretive opinions, to determine whether a conflict of interest exists under the PRA. When such a conflict exists, the affected Board member must disclose the interest and disqualify himself/herself from participating in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards to a Board member's spouse is also applicable to a registered domestic partner.

A Board member, ~~or~~ designated employee, **or other person in a designated position** shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A **disqualifying** conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," **which is distinguishable from the effect on the public generally, on one or more of the Board member's or designated employee's, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700.**~~"economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required.~~ (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member, ~~or~~ designated employee, **or other person in a designated position** makes a governmental decision when; **he/she, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district.** ~~(2 CCR 18702.1)~~ **authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.**

Note: 2 CCR 18705 permits a Board member who is financially interested in a contract to participate in making a decision on the contract if (1) he/she discloses the existence of the conflict and describes with particularity the nature of his/her economic interest in the contract; (2) gives a summary description of the circumstances under which he/she believes the conflict may arise; and (3) either

CONFLICT OF INTEREST (continued)

he/she, another Board member, or a district employee discloses the legal basis for concluding that no alternative source of decision exists for the district. In general, this rule will permit a district to acquire an essential supply or service. CSBA strongly recommends that legal counsel be consulted when situations arise involving the rule of necessity, as strict compliance is required.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

~~A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)~~

Additional Requirements for Boards that Manage Public Investments

Note: The following optional section is for use only by districts in which the Board and/or the Superintendent or designee designated employees are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information.

According to the FPPC, officials who manage public investments are boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, **even if they delegate day-to-day investment decisions to staff**, or approve investment transactions involving these funds are considered officials who manage public investments. ~~Even if the Board delegates day-to-day investment decisions to district staff, Board members are considered officials who manage public investments if they set or approve policy as to the investment of these funds.~~

The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued. Board members and superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments.

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR ~~18702.5~~ 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential

CONFLICT OF INTEREST (continued)

conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion **and deliberations** of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Note: Pursuant to Government Code 1090, if a Board member has a financial interest in a contract, it is an absolute bar for that district to enter into the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot be resolved by having the financially interested Board member abstain from participating in the matter. However, there are two categories of exceptions. If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the district can enter into the contract. Secondly, if a Board member's interest is deemed a "remote interest" pursuant Government Code 1091, then the district can enter into the contract as long as certain conditions are satisfied, as specified below.

While the prohibitions in the PRA only apply to designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. **California appellate courts have ruled in**

CONFLICT OF INTEREST (continued)

McGee v. Balfour Beatty Construction LLC and Davis v. Fresno Unified School District that Government Code 1090 applies to consultants, including corporate consultants, who fill the roles and positions of officers, employees, and agents of the district. However, the Attorney General has opined in 63 Ops. Cal. Atty. Gen. 868 (1980) that an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below.

Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and legal counsel should be consulted as appropriate.

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest **in a contract made by the Board, the district is barred from entering into the contract is void.** (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

Note: The district may enter into a contract when a Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the district wishes to enter into a contract with the Board member's employer. When the conditions specified in Government Code 1091 are satisfied (e.g., Board member is an employee of a nonprofit organization, the employer has at least 10 employees, and the Board member has been employed more than three years), then the district may enter into the contract as long as the affected Board member discloses the remote interest and abstains from the matter.

Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

Note: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the district can enter into the contract. One of the noninterests listed in Government Code 1091.5 is when a Board member's spouse has been employed by the district for at least one year prior to the Board member's election or appointment. If the spouse has not been employed by the district for at least one year prior to the Board member's election or appointment, the exception does not apply and Government Code 1090 prohibits the district from entering into a new contract to hire the spouse. (80 Ops. Cal. Atty. Gen. 320 (1997))

Attorney General opinions and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require

CONFLICT OF INTEREST (continued)

Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. (92 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However, when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. (Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986))

Because this area of law is complex, it is strongly recommended that district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest.

In addition, a Board member shall not be considered to be financially interested in a contract ~~if in which~~ his/her interest is a "noninterest" as defined in Government Code 1091.5. ~~One such~~ **Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, is when a Board member's in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in (Government Code 1091.5).**

Common Law Doctrine Against Conflict of Interest

Note: Even when there is not a conflict pursuant to the PRA (Government Code 87100-87505) or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety.

Districts are encouraged to consult legal counsel if situations arise that raise the question as to whether such a conflict exists.

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

Note: Pursuant to Government Code 87101, ~~when a conflict exists under the PRA, the district may still enter into a contract if the rule of necessity or legally required participation applies. In general, this rule will permit a district to acquire an essential supply or service. The rule also permits a Board member to carry out an essential duty of his/her office in accordance with 2 CCR 18708, where he/she is the only one who may legally act and there is no alternative source of decision-making authority. It is recommended that legal counsel be consulted when situations arise involving the rule of necessity.~~

CONFLICT OF INTEREST (continued)

~~On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.~~

Incompatible Offices and Activities

Note: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 mandates the district to adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees.

Attorney General opinions have indicated that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district (85 Ops.Cal.Att'y.Gen. 60 (2002); 68 Ops.Cal.Att'y.Gen. 171 (1985); 65 Ops.Cal.Att'y.Gen. 606 (1982)). If a Board member is sworn into an incompatible office, then his/her position in the prior office is automatically terminated.

Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office. See BB 9220 - Governing Board Elections.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that district legal counsel be consulted as appropriate.

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Note: Pursuant to 2 CCR 18730, the gift limitation is currently \$460. This amount is adjusted in odd-numbered years by the FPPC. ~~However, this limit may not be applicable to gifts from every source.~~ Pursuant to Government Code 89503, Board members and candidates are subject to gift limitation for gifts from all sources except when exempted by law or regulation. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable as to those individuals and entities that are disclosed on the Form 700.

Several exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034. If questions arise as to such exceptions, the district may seek clarification from the FPPC through email to advice@fppc.ca.gov or consult legal counsel.

CONFLICT OF INTEREST (continued)

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Note: Board members and designated employees may, in the circumstances described in Government Code 89506, receive payments, advances, or reimbursements for travel and related lodging and subsistence, which will not be subject to the gift limit set in Government Code 89503.

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, ~~except as described in Government Code 89506~~ **except when: (Government Code 89506)**

- 1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.**
- 2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.**

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private **conference, convention, meeting, social event, meal, or like gathering.** ~~in accordance with law~~ (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

CONFLICT OF INTEREST (continued)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

41015 Investments

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Ethics; travel

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

REVENUE AND TAXATION CODE

203 Taxable and exempt property - colleges

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

~~18702.5 Public identification of a conflict of interest for Section 87200 filers~~

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

CONFLICT OF INTEREST (continued)

Legal Reference: (continued)

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

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

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

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

Center USD

Board Bylaw

Conflict Of Interest

BB 9270

Board Bylaws

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest.

A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government

Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or

legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or deposited in a fund for the benefit of the district

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

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85-88 Bribes

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82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

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65 Ops.Cal.Atty.Gen. 606 (1982)

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

Bylaw
adopted: October 20, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Exhibit

Board Bylaws

E 9270(a)

CONFLICT OF INTEREST

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act (PRA). Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of designated positions and disclosure categories. Board members and designated employees must annually file a Statement of Economic Interest/Form 700 pursuant to the disclosure requirements of the district's conflict of interest code.

Government Code 87303 requires a district's conflict of interest code to be approved by a code reviewing body. For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The Fair Political Practices Commission (FPPC) is the code reviewing body for school districts with jurisdiction in more than one county.

The code reviewing body needs to review only the portion of the district's conflict of interest code that specifies the district's designated positions and the disclosure categories as detailed in the following sample Resolution, including its Appendix, and not the other legal requirements related to conflict of interest reflected in the accompanying sample bylaw. The Resolution, including the Appendix, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In some counties, the code reviewing body requires that a resolution be adopted during each review and that the Board's resolution and amended appendix be submitted to that body. In other counties, only the appendix needs to be submitted. In both cases, districts need not submit BB 9270 - Conflict of Interest to the code reviewing body. In addition to the biannual review, districts should modify the Appendix and submit it, and the resolution if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of new designated positions or a change of duties assigned to existing positions.

The following resolution should be modified to reflect district practice as well as any specific requirements of the district's code reviewing body.

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Center Joint Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

CONFLICT OF INTEREST (continued)

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Center Joint Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Center Joint Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES:_____ NOES:_____ ABSENT:_____

Attest:

Secretary/President

CONFLICT OF INTEREST (continued)**Conflict of Interest Code of the
Center Joint Unified School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX**Disclosure Categories**

Note: The following list must be modified to reflect the specific disclosure categories in the district.

1. **Category 1:** ~~A person designated Category 1 shall disclose~~ Designated positions in this category must report:

- a. Interests in real property located entirely or partly within district's boundaries, or within two miles of the district's boundaries; or of any land owned or used by the district. Such interest include any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.
- b. Investments and ~~or business positions in or income from sources which~~ business entities and income, including the receipt of gifts, loans, and travel payments, from sources that:
 1. ~~Are engaged in the acquisition or disposal of real property within the district's jurisdictions,~~
 2. ~~Are contractors or subcontractors which are who are,~~ or have been within the past two years, engaged in work or services of the type used by the District, or
 3. ~~Are of the type that engage in the manufacture or sell,~~ sale repair, rental or distribution of school supplies, books, ~~machinery~~ materials, school furnishings, or equipment of the type used by the district.

2. **Category 2:** ~~A person designated Category 2 shall disclose:~~ Designated positions in this category must report a. Investments and ~~or business positions in or income from sources~~

CONFLICT OF INTEREST (continued)

~~which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs~~ entities and income, including the receipt of gifts, loans, and travel payments, from sources that:

- a. Are contractors engaged in work or services of the type used by the department in which the designated person manages or directs, or
- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. Are of the type that engage in the manufacture, sale, repair, rental or distribution of school supplies, books, materials, school furnishings, or equipment.

For the purposes of this category, a principal's department is his/her entire school.

Note: Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue.

3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

Note: The following list must be modified to reflect the specific designated positions and applicable disclosure categories in the district. For districts in which the Board and Superintendent "manage public investments," the disclosure category for Board members and the Superintendent in the list below must be modified to "Full Disclosure."

CONFLICT OF INTEREST (continued)

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Purchasing Agent	1
Director	2
Principal	2
Assistant Principal	2
Maintenance and Operations Director	2
Program Coordinator	2
Project Specialist	2
Supervisor	2
Dean of Students	2
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Superintendent may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Sec. 81008.)

Disclosures for Consultants

Note: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

CONFLICT OF INTEREST (continued)

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR ~~18701-18700.3~~)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a **any** permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR ~~18702.2~~ **18704, subsections (a) and (b)**, or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR ~~18701~~ **18700.3**)

(7/10) 5/16

Policy Reference UPDATE Service

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Center USD

Exhibit

Conflict Of Interest

E 9270

Board Bylaws

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Center Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Center Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the _____ School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

Conflict of Interest Code of the Center Unified School District

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. Category 2: A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

Designated Positions

Designated Position	Disclosure Category
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Governing Board Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Purchasing Agent	1
Director	2
Principal	2
Assistant Principal	2
Maintenance and Operations Director	2
Program Coordinator	2
Project Specialist	2
Supervisor	2
Dean of Students	2

Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

Exhibit
version: October 20, 2010

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

CSBA Sample Board Bylaw

Board Bylaws

BB 9321(a)

CLOSED SESSION PURPOSES AND AGENDAS

Note: Pursuant to Government Code 54962, the Governing Board may hold a closed session only for purposes expressly authorized by the Brown Act (Government Code 54950-54963) or by a provision of the Education Code.

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Note: Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Note: Government Code 54957.7 states that before holding any closed session, the Board must disclose in an open meeting the item(s) to be discussed in the closed session. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements. In addition, the Board is required to reconvene in open session upon conclusion of a closed session to report any action taken in the closed session.

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Note: Pursuant to Government Code 54963, a Board member who discloses confidential information received in a closed session may be referred to the local grand jury or may be subject to action in a court of law. For a definition of confidential information and the actions that may be taken against a Board member if such information is disclosed, see BB 9011 - Disclosure of Confidential/Privileged Information.

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

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

Personnel Matters

Note: Government Code 54957 authorizes the use of closed sessions for personnel matters described below. For the purpose of these closed sessions, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes Board members. The Attorney General has concluded that it is appropriate to use a closed session to discuss and evaluate Superintendent performance. (59 Ops.Cal.Atty.Gen. 532 (1976)) However, under the "personnel exception," the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline in closed session under this exception.

In Fischer v. Los Angeles Unified School District, the court interpreted Government Code 54957 and found that the right to request an open session applies only when the Board hears specific complaints or charges brought against the employee. Thus, the right to request an open session does not apply when the Board is meeting in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

Note: Pursuant to Government Code 54957, failure of the Board to give an employee against whom a "specific complaint or charge" has been made the notice described below will render any action taken by the Board in the closed session null and void. Determining whether a "specific complaint or charge" is involved is usually fact-specific and the Board should consult legal counsel as necessary. In Furtado v. Sierra Community College District, the court held that the term "specific complaints or charges" as used in Government Code 54957 does not include negative comments in an employee's performance evaluation. In another decision, Bell v. Vista Unified School District, the court determined that a presentation to the board by a district staff member regarding an employee's violation of a California Interscholastic Federation rule constituted a "complaint or charge" and thus the employee was entitled to 24-hour notice. Yet another

CLOSED SESSION PURPOSES AND AGENDAS (continued)

ruling, Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, held that when a board rejects its hearing officer's findings of fact and conducts its own hearing, the employee must be given 24-hour notice.

Furthermore, an Attorney General opinion (78 Ops.Cal.Atty.Gen. 218 (1995)) has clarified that a probationary certificated employee does not have the right to an open session when the Board is discussing whether or not to reemploy him/her for a third consecutive school year. Education Code 44929.21 allows the Board to non-reelect a probationary certificated employee at the end of the first or second school year as long as written notice is given in accordance with law; see AR 4117.6 - Decision Not to Rehire.

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Note: The Educational Employment Relations Act (Government Code 3540-3549.3) makes four specific exemptions from the Brown Act related to negotiations. Government Code 54957.6 provides that for the purpose of closed sessions related to collective bargaining, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes any elected official, Board member, or other independent contractor.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization

CLOSED SESSION PURPOSES AND AGENDAS (continued)

2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

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

Note: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication "The Brown Act: Open Meetings for Local Legislative Bodies" (2003), also states that the "labor exception" applies to meeting in closed session to instruct its negotiator concerning negotiations with prospective employees.

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. **Prior to the closed session, the Board shall identify its designated representative in open session.** Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

~~For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)~~

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

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

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

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Note: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following optional paragraph provides that student names shall not be included on the agenda.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: Government Code 54956.5 authorizes an emergency meeting in closed session to meet with the law enforcement officials specified above pursuant to Government Code 54957. Two-thirds of the Board members present at the meeting must agree to the need for the closed session. Those emergency situations that necessitate a need for an emergency meeting are listed in BB 9320 - Meetings and Notices and include a terrorist attack, crippling disaster, or other activity that impairs public health or safety. For a list of actions for which more than a majority vote of the Board is required, see BB 9323.2 - Actions by the Board.

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

Note: An Attorney General opinion (94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded that only three subjects related to real property negotiations may be considered in closed session: (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

items that are essential to arriving at the authorized price and payment terms. Although Attorney General opinions are not binding, they are accorded deference by the courts.
--

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Note: Pursuant to Government Code 54956.9, the district is considered to be a "party," or to have "significant exposure," to a litigation if any of its officers or employees is a party or has significant exposure to the litigation under circumstances specified in items #1 and #2 below.
--

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))

CLOSED SESSION PURPOSES AND AGENDAS (continued)

2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

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

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code

CLOSED SESSION PURPOSES AND AGENDAS (continued)

54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

Note: The following section applies to districts participating in a joint powers agency (JPA) for insurance pooling or in a self-insurance authority.

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

Note: Pursuant to Government Code 54956.96, a JPA may adopt a provision, either through a policy or through the joint powers agreement, authorizing a school district Board member serving on the JPA board to disclose confidential information received during the JPA board's closed session under the circumstances specified below. Government Code 54954.5 provides an agenda description for the purpose of this closed session. The following optional paragraphs are for use by districts that participate in a JPA that has adopted such a provision.
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CLOSED SESSION PURPOSES AND AGENDAS (continued)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from California State Auditor's Office

<p>Note: Government Code 54956.75 authorizes the Board to meet in closed session to discuss a final draft audit report from the California State Auditor's Office. This authority relates to situations in which a member of the legislature has requested the California State Auditor's Office to audit a school district. This audit is separate from the annual audit that districts must conduct pursuant to Education Code 41020. The law does not authorize the Board to meet in closed session to discuss the district's annual audit.</p>
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Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Note: The following **optional** paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code.

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

*Legal Reference:***EDUCATION CODE**35145 *Public meetings*35146 *Closed session (re student suspension)*44929.21 *Districts with ADA of 250 or more*48912 *Governing board suspension*48918 *Rules governing expulsion procedures; hearings and notice*49070 *Challenging content of students records*60617 *Meetings of governing board***GOVERNMENT CODE**3540-3549.3 *Educational Employment Relations Act*6252-6270 *California Public Records Act*54950-54963 *The Ralph M. Brown Act***COURT DECISIONS***Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners*, (2003) 107 Cal.App.4th 860*Bell v. Vista Unified School District*, (2001) 82 Cal.App. 4th 672*Fischer v. Los Angeles Unified School District*, (1999) 70 Cal.App. 4th 87*Furtado v. Sierra Community College District* (1998) 68 Cal.App. 4th 876*Roberts v. City of Palmdale*, (1993) 5 Cal.App. 4th 363*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors*, (1968) 263 Cal.App. 2d 41*San Diego Union v. City Council*, (1983) 146 Cal.App.3d 947**ATTORNEY GENERAL OPINIONS**94 *Ops. Cal. Atty. Gen.* 82 (2011)86 *Ops. Cal. Atty. Gen.* 210 (2003)78 *Ops. Cal. Atty. Gen.* 218 (1995)59 *Ops. Cal. Atty. Gen.* 532 (1976)57 *Ops. Cal. Atty. Gen.* 209 (1974)*Management Resources:***CSBA PUBLICATIONS***The Brown Act: School Boards and Open Meeting Laws*, 2009**ATTORNEY GENERAL PUBLICATIONS***The Brown Act: Open Meetings for Legislative Bodies*, 2002 2003**LEAGUE OF CALIFORNIA CITIES PUBLICATIONS***Open and Public IV: A Guide to the Ralph M. Brown Act*, rev. July 2010

Management Resources continued (seen next page):

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Management Resources (continued):

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

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Center USD

Board Bylaw

Closed Session Purposes And Agendas

BB 9321

Board Bylaws

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

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

Personnel Matters

The Board may hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a

reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

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

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any

matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

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

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that

to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from Bureau of State Audits

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the

report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student suspension)*

44929.21 *Districts with ADA of 250 or more*

48912 *Governing board suspension*

48918 *Rules governing expulsion procedures; hearings and notice*

49070 *Challenging content of students records*

60617 *Meetings of governing board*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

6252-6270 *California Public Records Act*

54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

94 *Ops. Cal. Atty. Gen.* 82 (2011)

86 *Ops. Cal. Atty. Gen.* 210 (2003)

78 *Ops. Cal. Atty. Gen.* 218 (1995)

59 *Ops. Cal. Atty. Gen.* 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2002

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

Center USD

Administrative Regulation

Payment For Goods And Services

AR 3314

Business and Noninstructional Operations

Payment for Construction Contracts

Payment on any contract for the creation, construction, alteration, repair, or improvement of any district property or facility or other public works project shall be made in accordance with the estimates, process, and/or schedule approved by the Governing Board.

As necessary, the Superintendent or designee may make progress payments as actual work is completed or materials are delivered. When a payment request is properly submitted by a contractor, any undisputed portion of the payment request shall be paid within 30 days. If the Superintendent or designee determines any payment request to be improper, he/she shall return the payment request to the contractor with a written statement of reasons why the request is not proper. (Public Contract Code 9203, 20104.50)

(cf. 3312 - Contracts)

The district may withhold up to five percent of the proceeds due to the contractor until completion and acceptance of the project. (Public Contract Code 7201)

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

(cf. 3311 - Bids)

(cf. 9320 - Meetings and Notices)

(cf. 9324 - Minutes and Recordings)

At any time after 50 percent of the work has been completed, the Board may release the withheld proceeds if it finds that satisfactory progress is being made. (Public Contract Code 9203)

Proceeds withheld by the district from payments to contractors for public works contracts shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the district and the contractor, the district may withhold from the final payment an amount not to exceed 150 percent of the disputed amount. (Public Contract Code 7107)

Regulation
approved: April 18, 2012

CENTER UNIFIED SCHOOL DISTRICT
Antelope, California

Center USD

Administrative Regulation

Sex Offender Notification

AR 3515.5

Business and Noninstructional Operations

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

1. The Superintendent or designee shall appoint a staff member to serve as liaison with law enforcement regarding these matters.
2. The Superintendent or district liaison shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the liaison as well as the individual school sites. A letter shall be sent annually to local law enforcement, identifying the name, phone number, and address of the liaison.
3. The Superintendent or district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement.
4. The Superintendent or liaison shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the district and law enforcement.

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of a sex offender
 - b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website
5. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:
- a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment

- b. Teachers and classified personnel at that school, including staff responsible for visitor registration

(cf. 1250 - Visitors/Outsiders)

- c. Principals and staff at adjacent schools, as appropriate
- d. Security staff
- e. Bus drivers
- f. Yard supervisors

6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or liaison in order to help ensure that the district is able to respond appropriately.

7. If an identified sex offender is seen on or near school grounds or around any student, staff shall immediately contact the district liaison. A staff member may also inform local law enforcement.

Notification to Parents/Guardians

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.
2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.
3. A mailing of a letter, at district expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

Whenever the principal has granted permission to a person who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, he/she shall notify the parent/guardian of

each student at that school, at least 14 days in advance using one of the methods specified in Education Code 48981, that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)

(cf. 1240 - Volunteer Assistance)

(cf. 5145.6 - Parental Notifications)

NONDISCRIMINATION IN EMPLOYMENT

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

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

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

The Board also prohibits discrimination against any employee or job applicant in compensation, terms, conditions, and other privileges of employment and the taking of any adverse employment action, including, but not limited to, termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.

(cf. 4032 - Reasonable Accommodation)

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

Prohibited discrimination on the basis of religious creed includes discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.

Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.

(cf. 4033 - Lactation Accommodation)

Harassment consists of unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The Board also prohibits retaliation against any district employee or job applicant who opposes any discriminatory employment practice by the district or its employee, agent, or representative or who complains, testifies, assists, or in any way participates in the district's complaint procedures pursuant to this policy. No employee or job applicant who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who does report such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

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

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

Legal Reference: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

GOVERNMENT CODE

11135 *Unlawful discrimination*

11138 *Rules and regulations*

12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.56 *Definitions, hate crimes*

CODE OF REGULATIONS, TITLE 2

11019 *Terms, conditions and privileges of employment*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 29

621-634 *Age Discrimination in Employment Act*

794 *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964, as amended*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964, as amended*

2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*

6101-6107 *Age discrimination in federally assisted programs*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 *Compliance information*

104.7 *Designation of responsible employee for Section 504*

104.8 *Notice*

106.8 *Designation of responsible employee and adoption of grievance procedures*

106.9 *Dissemination of policy*

110.1-110.39 *Nondiscrimination on the basis of age*

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Center USD

Administrative Regulation

Appointment And Conditions Of Employment

AR 4112

Personnel

Upon recommendation from the Superintendent or designee, the Governing Board shall approve the appointment of all certificated personnel. The position and the salary classification shall be reported to the Board at a regular meeting.

(cf. 4111 - Recruitment and Selection)

(cf. 4121 - Temporary/Substitute Personnel)

Individuals appointed to the certificated staff shall:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

2. Demonstrate proficiency in basic skills as required by law and Board policy (Education Code 44252.5, 44830)

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

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

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

34. Submit to fingerprinting as required by law (Education Code 44830.1)

45. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 or 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4118 - Suspension/Disciplinary Action)

56. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)

67. Not have been required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

78. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)

89. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)

910. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406)

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

101. Submit to drug and alcohol testing as required by Board policy

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

112. Furnish a statement of military service and, if any was rendered, a copy of the discharge or release from service or, if no such document is available, other suitable evidence of the termination of service (Education Code 44838)

123. File the oath or affirmation of allegiance required by Government Code 3100-3109

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

134. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44008 Effect of termination of probation

44009 Conviction of specified crimes; definitions

44010 Sex offense

44011 Controlled substance offense

44066 Limitation on certification requirements

44250-44277 Credential types

44330 Effect of registration of certification document

44830.1 Felons; certificated positions; criminal record summary; fingerprints

44836 Employment of person convicted of sex offenses or controlled substance offenses

44837 Employment of sexual sociopath

44838 Statement of military service

44839 Medical certificate

44839.5 Medical certificate for retirant

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Center USD

Board Policy

Interns

BP 4112.21

Personnel

The district may employ interns as necessary to fulfill the need for sufficient instructional staff and to provide future teachers an opportunity to link teaching theory with practice in order to meet state credentialing requirements. In addition, the district may employ teachers who already possess a preliminary or clear credential and are pursuing a credential in a different specialization as interns for positions that require such other credential.

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

The district may enter into partnership agreements with one or more approved teacher preparation programs sponsored by colleges or universities and/or may provide a district intern program with approval of the Commission on Teacher Credentialing (CTC). Any intern program in which the district participates shall be aligned with the preconditions and program standards adopted by the CTC.

The Superintendent or designee shall make reasonable efforts to recruit an intern from an approved program within the region whenever a teacher with a preliminary or clear credential is not available for a position requiring certification. (Education Code 44225.7)

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

The Superintendent or designee shall ensure that any intern employed by the district possesses an appropriate intern credential and is adequately prepared for the responsibilities of the position.

An intern may be assigned to provide the same service as a holder of a regular multiple subject, single subject, or education specialist credential in accordance with the authorizations and grade/age level specified on the intern credential. (Education Code 44454, 44325, 44326, 44830.3)

(cf. 4113 - Assignment)

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

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

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable.

INTERNS (continued)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4141/4241 - Collective Bargaining Agreement)

Interns shall receive intensive, structured supervision and ongoing support by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and that they maintain frequent communication with the interns they are assigned to assist.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated in accordance with Board policy and the district's collective bargaining agreement.

(cf. 4115 - Evaluation/Supervision)

Upon receiving notification from the Superintendent or designee that an intern has successfully completed the program, the Governing Board may recommend to the CTC that the intern be awarded a preliminary credential. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the intern program(s) to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain general education or education specialist credentials.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

INTERNS (continued)

Legal Reference:

EDUCATION CODE

300-340 English language education for immigrant children
44225 Credentials, responsibilities of Commission on Teacher Credentialing
44225.7 Priority for hiring fully prepared teacher
44253.3-44253.4 Certificate to provide services to English learners
44253.10 Qualifications to provide specially designed academic instruction in English
44259 Minimum requirements for teaching credential
44314 Diversified or liberal arts program
44321 CTC approval of intern programs
44325-44328 District interns
44339-44341 Teacher fitness
44450-44468 Teacher Education Internship Act of 1967 (university interns)
44830.3 Employing district interns
44885.5 District interns classified as probationary employees

CODE OF REGULATIONS, TITLE 5

6100-6126 No Child Left Behind teacher requirements
80021.1 Provisional internship permit
80033 Intern teaching credential
80055 Intern credential, extension for extenuating circumstances

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers
7801 Definitions, highly qualified teacher
7801 Note Applicability of federal regulation defining interns as highly qualified teachers

COURT DECISIONS

Renee v. Duncan, 686 F.3d 1002 (2012)

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-840 Early Completion Option

SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014

Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013

Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013

California Standards for the Teaching Profession, October 2009

Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013

Administrator's Assignment Manual, 2008

Management Resources continued: (see next page)

INTERNS (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS (continued)

*Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded
Correspondence 08-03, March 3, 2008*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, rev. October 5, 2006

WEB SITES

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

Commission on Teacher Credentialing, Interns: <http://www.ctc.ca.gov/educator-prep/intern>

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

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

~~Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)~~

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

The district may employ a person with an appropriate district intern credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district intern program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

SPECIAL EDUCATION STAFF (continued)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

(cf. 4131.1 - Teacher Support and Guidance)

Resource Specialists

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP
2. Conducting educational assessments
3. Providing information and assistance for students with disabilities and their parents/guardians
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians

SPECIAL EDUCATION STAFF (continued)

5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4141/4241 - Collective Bargaining Agreement)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the

SPECIAL EDUCATION STAFF (continued)

higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal Reference:

EDUCATION CODE

8264.8 *Staffing ratios*

44250-44279 *Credentials, especially:*

44256 *Credential types, specialist instruction*

44258.9 *Assignment monitoring*

44265-44265.9 *Special education credential*

44325-44328 *District interns*

44830.3 *District interns, supervision and professional development*

56000-56865 *Special education, especially:*

56195.8 *Adoption of policies*

56361 *Program options*

56362-56362.5 *Resource specialist program*

56363.3 *Maximum caseload; language, speech, and hearing specialists*

56440-56441.7 *Programs for individuals between the ages of three and five years; caseloads*

CODE OF REGULATIONS, TITLE 5

3051.1-3051.24 *Staff qualifications to provide related services to students with disabilities*

3100 *Waivers of maximum caseload for resource specialists*

6100-6126 *Teacher qualifications, No Child Left Behind Act*

80021 *Short-term staff permit*

80021.1 *Provisional internship permit*

80023.2 *Emergency permits*

80025.4 *Substitute teaching, special education*

80026 *Declaration of need for fully qualified educators*

80027.1 *Special education limited assignment teaching permit*

80046.1 *Adapted physical education specialist*

80046.5 *Credential holders authorized to serve students with disabilities*

80047-80047.9 *Credentials to provide instructional services to students with disabilities*

80048-80048.9.4 *Credential requirements and authorizations*

80070.1-80070.6 *Resource specialists*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act, especially:*

1401 *Definition of highly qualified special education teacher*

6319 *Highly qualified teachers*

7801 *Definitions, highly qualified teacher*

SPECIAL EDUCATION STAFF (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

300.8 Definition of autism

300.18 Highly qualified special education teachers

300.34 Related services

300.156 Special education personnel requirements

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Special Education Teaching and Services Credentials, Added Authorizations in Special Education, and Limited Assignment Permits for California Prepared Teachers: Frequently Asked Questions, May 26, 2014

Education Specialist Teaching and Other Related Services Credential Program Standards, 2012

WEB SITES

California Association of Resource Specialists and Special Education Teachers:

<http://www.carsplus.org>

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

California Speech-Language-Hearing Association: <http://www.csha.org>

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

National Association of Special Education Teachers: <http://www.naset.org>

Center USD

Board Policy

Early Retirement Option

BP 4117.13

Personnel

When it is beneficial to the district, the Governing Board may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the district. The Board shall demonstrate and certify to the County Superintendent of Schools that the formal action taken would result in a net savings to the district. (Education Code 22714, 44929)

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

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

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the district shall meet all conditions as specified in Education Code 22714 and 44929.

Two + Two Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

Legal Reference:

EDUCATION CODE

22714 Service credit under STRS; additional two years

44929 Service credit under STRS; additional two years

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

COURT DECISIONS

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

Management Resources:

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM PUBLICATIONS

Retirement Incentive Program, Frequently Asked Questions

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

Center USD

Administrative Regulation

Child Abuse Prevention And Reporting

AR 5141.4
Students

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

CHILD ABUSE PREVENTION AND REPORTING (continued)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Children's Protective Services
PO Box 269057
Sacramento, CA 95826-9057
(916) 874-4001

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

CHILD ABUSE PREVENTION AND REPORTING (continued)

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING (continued)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 44691, as amended by AB 1058 (Ch. 748, Statutes of 2015), encourages districts to provide training to all school employees, at least once every three years, on the prevention of child abuse on school grounds, by school personnel, or in school-sponsored programs. As amended, Education Code 44691 also requires the CDE to establish best practices for prevention of abuse and to provide links on its web site to training resources.

CHILD ABUSE PREVENTION AND REPORTING (continued)

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

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

CHILD ABUSE PREVENTION AND REPORTING (continued)

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or

CHILD ABUSE PREVENTION AND REPORTING (continued)

reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

Center USD

Administrative Regulation

Title I Programs

AR 6171
Instruction

Schoolwide Programs

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state, and local sources for program purposes. (20 USC 6312, 6314)

Any participating school shall develop, annually review, and update a single plan for student achievement which incorporates the plan required by 20 USC 6314 for reforming the school's total instructional program and plans required by other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

(cf. 0420 - School Plans/Site Councils)

A schoolwide program shall include: (20 USC 6314)

1. A comprehensive needs assessment of the entire school, including the needs of migrant students, which includes the achievement of students in relation to state academic content and achievement standards

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6175 - Migrant Education Program)

2. Schoolwide reform strategies that:

- a. Provide opportunities for all students to meet the state's proficient and advanced levels of achievement

- b. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the school's core academic program, increase the amount and quality of learning time, help provide an enriched and accelerated curriculum, and include strategies for meeting the educational needs of historically underserved populations

(cf. 5148.2 - Before/After School Programs)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)
(cf. 6177 - Summer School)

c. Include strategies to address the needs of all students in the school, but particularly the needs of low-achieving students and those at risk of not meeting state achievement standards who are members of the target population of any program that is part of the schoolwide program

Such strategies may include counseling, student services, mentoring services, college and career awareness and preparation, and the integration of vocational and technical education programs.

(cf. 5149 - At-Risk Students)
(cf. 6030 - Integrated Academic and Vocational Instruction)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

d. Address how the school will determine if student needs have been met

e. Are consistent with and designed to implement state and local improvement plans, if any

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

~~3. Instruction by highly qualified teachers~~

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

~~34.~~ High-quality and ongoing professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians to enable all students in the school to meet state academic achievement standards

(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

~~45.~~ Strategies to attract high-quality, highly qualified teachers to high-need schools

(cf. 4111 - Recruitment and Selection)

~~56.~~ Strategies to increase parent involvement

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

~~67.~~ Plans for assisting preschool children in the transition from early childhood programs to elementary school programs

(cf. 6300 - Preschool/Early Childhood Education)

78. Measures to include teachers in decisions regarding the use of academic assessments to provide information on and to improve the achievement of individual students and the overall instructional program

89. Activities to ensure that students who experience difficulty mastering the proficient and advanced levels of academic standards shall be provided with effective, timely additional assistance, which shall include measures for timely identification of students' difficulties and provision of sufficient information on which to base effective assistance

(cf. 6179 - Supplemental Instruction)

910. Coordination and integration of federal, state, and local services and programs

Targeted Assistance Programs

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to: (20 USC 6315)

1. Students in grades 3-12 identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by the district and supplemented by the school

2. Students in preschool through grade 2 selected solely on the basis of such criteria as teacher judgment, interviews with parents/guardians, and developmentally appropriate measures

A targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic achievement standards expected for all students

2. Ensure that program planning is incorporated into existing school planning

3. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the core academic program, give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours for instruction provided by Title I

4. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs

5. Provide instruction by highly qualified teachers

6. Provide opportunities for professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and

parents/guardians who work with participating students

7. Provide strategies to increase parent involvement

8. Coordinate and integrate federal, state, and local services and programs

Participation of Private School Students

The Superintendent or designee shall provide or contract to provide special educational services or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis with participating public school students. (20 USC 6320, 7881)

Teachers, other educational personnel, and families of participating private school students shall have an opportunity to participate, on an equitable basis, in parent involvement activities and professional development pursuant to 20 USC 6318 and 6319. (20 USC 6320, 7881)

Each year the Superintendent or designee shall contact officials of private schools with students who reside within district boundaries, regardless of whether the private school they attend is located within the district or whether or not those officials have previously indicated any interest in program participation.

The Superintendent or designee shall consult, in a meaningful and timely manner, with appropriate private school officials during the design and development of the district's Title I programs. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include a discussion of: (20 USC 6320, 7881; 34 CFR 200.63)

1. How the needs of private school students will be identified
2. What services will be offered
3. How, where, and by whom the services will be provided
4. How the services will be academically assessed and how assessment results will be used to improve those services
5. The size and scope of the equitable services to be provided to private school students and the proportion of funds that is allocated for such services
6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools
7. How and when the district will make decisions about the delivery of service to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
8. How, if the district disagrees with the views of private school officials on the provision of

services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The Superintendent or designee shall maintain, and shall provide to the California Department of Education upon request, a written affirmation signed by officials of each participating private school that consultation has occurred. (20 USC 6320)

If the private school officials do not provide such affirmation within a reasonable period of time, the Superintendent or designee shall maintain records of the consultation or the offer of consultation.

(cf. 3580 - District Records)

The Superintendent or designee also shall maintain records documenting that:

1. The needs of private school teachers and/or private school students were identified.
2. The funds made available were equitable to those allocated for public school students and teachers.
3. The district's program met the needs of the private school teachers and/or private school students.
4. The district made efforts to resolve any complaints made by private school representatives.

Center USD

Exhibit

Actions By The Board

E 9323.2

Board Bylaws

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
(cf. 3280 - Sale or Lease of District-Owned Real Property)
2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing pursuant to Government Code 53820-53833, to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
(cf. 7131 - Relations with Local Agencies)
(cf. 7150 - Site Selection and Development)
(cf. 7160 - Charter School Facilities)
7. When the district has an average daily attendance (ADA) of 2,500 or less and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

ACTIONS BY THE BOARD (continued)

8. When the district is organized to serve only grades K-8 and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. When the district desires to operate a community day school to serve any of grades K-6 (and no higher grades) on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

(cf. 6185 - Community Day School)

10. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

11. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

12. Resolution to place a parcel tax on the ballot (Government Code 53724)
13. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

ACTIONS BY THE BOARD (continued)

Actions Requiring a Four-Fifths Vote of the Board:

1. Expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

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

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

ACTIONS BY THE BOARD (continued)

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)