

## **CHARTER SCHOOL AUTHORIZATION**

The Governing ~~Board of Education~~ recognizes that charter schools may assist the district in offering diverse learning opportunities for ~~district~~ students. In considering any petition to establish a charter school within the district, the Board shall give ~~careful~~thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

The district shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)

One or more persons may submit a petition for a start-up charter school to be established within the district. ~~In addition, or for the conversion of~~ an existing district school ~~may be converted to a charter school when deemed beneficial by the district and community or when state or federal law requires restructuring of the school because of low performance.~~ (Education Code 47605)

~~(cf. 0520.2~~ Title I Program Improvement Schools)

Any petition for a start-up charter school or conversion charter school shall include all components and signatures required by law and shall be submitted to the Board. The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, ~~he/she~~the Superintendent or designee may also ~~may~~ meet with the petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code ~~47605~~ 47605)

~~(cf. 9320~~ 9320 - Meetings and Notices)

Within 60 days of receiving a petition, or within 90 days with mutual consent of the petitioners and the Board, the Board shall either approve or deny the request to establish the charter school. (Education Code ~~47605~~ 47605)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code ~~47611.5~~ (Education Code 47611.5))

## Approval of Petition

The Board shall approve the charter petition if doing so is consistent with sound educational practice. In granting charters, the Board shall give preference to ~~schools best able~~ petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving ~~students according to standards established by the California Department of Education (CDE) under~~ Education Code 54032. (Education Code 47605)47605)

BP 0420.4(b)

## CHARTER SCHOOL AUTHORIZATION (continued)

~~The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)~~

~~(cf. 0420.42 - Charter School Renewal)~~

~~(cf. 0420.43 - Charter School Revocation)~~

The Board shall ~~ensure~~ verify that any approved charter contains adequate processes and measures for holding the school accountable for complying with applicable law, including Education Code 47604.1, and for fulfilling the terms of its charter. These shall include, but ~~are~~ not ~~be~~ limited to, fiscal accountability systems, multiple measures for evaluating the educational program, including student outcomes aligned with state priorities as described in Education Code 52060, and regular reports to the Board.

~~(cf. 0420.41 - 0420.41 - Charter School Oversight)~~

~~The district shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)~~

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school governing body and amended as necessary.

~~The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)~~

~~(cf. 0420.42 - Charter School Renewal)~~

~~(cf. 0420.43 - Charter School Revocation)~~

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the ~~CDE~~ California Department of Education, and the State Board of Education (SBE). ~~(Education Code 47605) 47605)~~

## Denial of Petition

The Board shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school (Education Code 47602)
3. Proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district (Education Code 47605)

Any other charter petition shall be denied only if the Board ~~presents~~makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code ~~47605~~ 47605)

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BP 0420.4(c)

#### **CHARTER SCHOOL AUTHORIZATION (continued)**

- 1.- \_\_\_\_\_ The charter school presents an unsound educational program for the students to be enrolled in the charter school.
- 2.- \_\_\_\_\_ The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- 3.- \_\_\_\_\_ The petition does not contain the number of signatures required.
- 4.- \_\_\_\_\_ The petition does not contain an affirmation of each of the conditions described in Education Code ~~47605~~ 47605(d).
- 5.- \_\_\_\_\_ The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code ~~47605~~ 47605(b).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll ~~disabled~~ students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code ~~47605.7, 47647~~ 47605.7, 47647)

(cf. ~~0430~~ 0430 - *Comprehensive Local Plan for Special Education*)

If the Board denies a petition, the petitioners may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to ~~the~~ SBE. (Education Code ~~47605~~ 47605)

*Legal Reference: (see next page)*

BP 0420.4(d)

## **CHARTER SCHOOL AUTHORIZATION (continued)**

*Legal Reference:*

### **EDUCATION CODE**

~~220~~ 200 *Equal rights and opportunities in state educational institutions*

220 *Nondiscrimination*

~~17078.52~~ ~~17078.66~~ 17078.52-17078.66 *Charter schools facility funding; state bond proceeds*

~~17280~~ ~~17317~~ *Field Act*

~~17365~~ ~~17374~~ ~~17280~~ ~~17317~~ *Field Act*

17365-17374 *Field Act, fitness for occupancy*

~~41365~~ ~~32282~~ *Comprehensive safety plan*

33126 *School Accountability Report Card*

41365 *Charter school revolving loan fund*

~~42238.51~~ ~~42238.53~~ *Funding for charter districts*

~~44237~~ ~~42238.51~~ ~~42238.2~~ *Funding for charter districts*

44237 *Criminal record summary*

~~44830.1~~ ~~44830.1~~ *Certificated employees, conviction of a violent or serious felony*

~~45122.1~~ ~~45122.1~~ *Classified employees, conviction of a violent or serious felony*

~~46201~~ ~~46201~~ *Instructional minutes*

~~47600~~ ~~47616.7~~ *Charter Schools Act of 1992*

~~47640~~ ~~47647~~ ~~47600~~ ~~47616.7~~ *Charter Schools Act of 1992*

47640-47647 *Special education funding for charter schools*

47650-47652 *Funding of charter schools*

51745-51749.3 *Independent study*

~~52052 Numerically~~47650-47652 *Funding of charter schools*

49011 *Student fees*

51745-51749.6 *Independent study*

52052 *Accountability: numerically significant student subgroup, definition subgroups*

53300-53303 *Parent Empowerment Act*

~~56026-52060-52077~~ *Local control and accountability plan*

56026 *Special education*

~~56145-56146-56145-56146~~ *Special education services in charter schools*

CORPORATIONS CODE

5110-6910 *Nonprofit public benefit corporations*

Legal Reference continued: (see next page)

BP 0420.4(e)

## CHARTER SCHOOL AUTHORIZATION (continued)

Legal Reference: (continued)

GOVERNMENT CODE

~~3540-3549.3-1090-1099~~ *Prohibitions applicable to specified officers*

3540-3549.3 *Educational Employment Relations Act*

6250-6270 *California Public Records Act*

54950-54963 *Ralph M. Brown Act*

81000-91014 *Political Reform Act of 1974*

CODE OF REGULATIONS, TITLE 5

~~4800-4808 Parent Empowerment Act~~

~~11700.1-11705 Independent study~~

~~11960-11969 Charter schools~~

~~CODE OF REGULATIONS, TITLE 24~~

~~101 et seq. California Building Standards Code~~

~~11700.1-11705 Independent study~~

~~11960-11968.5.5 Charter schools~~

~~UNITED STATES CODE, TITLE 20~~

~~6316 Program improvement~~

~~7223-7225 Charter schools~~

~~7223-7225 Charter schools~~

~~COURT DECISIONS~~

~~Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986~~

~~ATTORNEY GENERAL OPINIONS~~

~~Opinion No. 11-201 (2018)~~

~~89 Ops. Cal. Atty. Gen. 166 (2006)~~

~~80 Ops. Cal. Atty. Gen. 52 (1997)~~

~~78 Ops. Cal. Atty. Gen. 297 (1995)~~

~~Management Resources:~~

~~CSBA PUBLICATIONS~~

~~The Role of the Charter School Authorizer, Online Course~~

~~Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018~~

~~Charter Schools: in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016~~

~~Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016~~

~~Charter Schools: A ~~Manual~~ Guide for Governance Teams, rev. 2009 February 2016~~

~~Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Sample Copy of a Memorandum of Understanding~~

~~Special Education and Charter Schools: Questions and Answers, September 10, 2002~~

~~U.S. DEPARTMENT OF EDUCATION GUIDANCE PUBLICATIONS~~

~~Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program, July 2004 and Regulatory~~

~~The Impact of the New Title I Requirements on Charter Schools, July 2004, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016~~  
~~Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014~~  
~~Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011~~  
WEB SITES

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

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

California Charter Schools Association: <http://www.calcharters.org> <http://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>  
<http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>  
<http://www.qualitycharters.org>

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

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009 Alameda, California~~ May 2019

~~revised: November 27, 2012~~

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*(cf. 9320 - Meetings and Notices)*

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The Board shall verify that any approved charter contains adequate processes and measures for holding the school accountable for complying with applicable law, including Education Code 47604.1, and for fulfilling the terms of its charter. These shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, including student outcomes aligned with state priorities as described in Education Code 52060, and regular reports to the Board.

*(cf. 0420.41 - Charter School Oversight)*

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*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0420.43 - Charter School Revocation)*

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1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.

4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

If the Board denies a petition, the petitioners may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to SBE. (Education Code 47605)

*Legal Reference:*

EDUCATION CODE

200 Equal rights and opportunities in state educational institutions  
 220 Nondiscrimination  
 17078.52-17078.66 Charter schools facility funding; state bond proceeds  
 17280-17317 Field Act  
 17365-17374 Field Act, fitness for occupancy  
 32282 Comprehensive safety plan  
 33126 School Accountability Report Card  
 41365 Charter school revolving loan fund  
 42238.51-42238.2 Funding for charter districts  
 44237 Criminal record summary  
 44830.1 Certificated employees, conviction of a violent or serious felony  
 45122.1 Classified employees, conviction of a violent or serious felony  
 46201 Instructional minutes  
 47600-47616.7 Charter Schools Act of 1992  
 47640-47647 Special education funding for charter schools  
 47650-47652 Funding of charter schools  
 49011 Student fees  
 51745-51749.6 Independent study  
 52052 Accountability: numerically significant student subgroups  
 52060-52077 Local control and accountability plan  
 56026 Special education  
 56145-56146 Special education services in charter schools

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers  
 3540-3549.3 Educational Employment Relations Act  
 6250-6270 California Public Records Act  
 54950-54963 Ralph M. Brown Act  
 81000-91014 Political Reform Act of 1974

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*  
11960-11968.5.5 *Charter schools*  
UNITED STATES CODE, TITLE 20  
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COURT DECISIONS  
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986  
ATTORNEY GENERAL OPINIONS  
Opinion No. 11-201 (2018)  
89 Ops.Cal.Atty.Gen. 166 (2006)  
80 Ops.Cal.Atty.Gen. 52 (1997)  
78 Ops.Cal.Atty.Gen. 297 (1995)

*Management Resources:*

CSBA PUBLICATIONS

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

Charter Schools: A Guide for Governance Teams, rev. February 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

WEB SITES

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

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National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: November 27, 2012

revised:

## **CHARTER SCHOOL OVERSIGHT**

The Governing Board ~~of Education~~ recognizes its ongoing responsibility to ~~ensure~~oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

(cf. ~~0420.4~~ 0420.4 - Charter School Authorization)

(cf. ~~0500~~ 0500 - Accountability)

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school ~~authorized by the Board~~. (Education Code ~~47604.32~~ 47604.32)

~~The Board and Superintendent or designee may inspect or observe any part of the charter school at any time.~~

The Superintendent or designee shall visit each charter school at least annually ~~and may inspect or observe any part of the charter school at any time~~. (Education Code ~~47604.32, 47607~~ 47604.32, 47607)

~~Whenever a~~

~~The Superintendent or designee shall attend meetings of the charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the Superintendent shall recommend governing body whenever possible and the Board shall appoint periodically meet with a district representative, who may be of the district's charter school contact, on the corporation's board of directors.~~

### **Waivers**

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall apply for the submit such a waiver request to the SBE on behalf of the charter school.

(cf. ~~1431~~ 1431 - Waivers)

### **Provision of District Services**

The charter school may purchase administrative or other services from the district or any other source. (Education Code ~~47613~~ 47613)

Whenever the district agrees to provide administrative or support services, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school ~~may be charged~~ for the actual costs of the reporting services, but shall not ~~be required~~ require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. ~~(Education Code 47611.3)~~ (Education Code 47611.3)

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BP 0420.41(b)

## **CHARTER SCHOOL OVERSIGHT (continued)**

### **Material Revisions to Charter**

Material revisions to a charter may only be made ~~only~~ with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code ~~47605~~ 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. ~~(Education Code 47607)~~ 47607

If an approved charter school proposes to ~~expand~~ establish or move operations to one or more additional sites ~~within the district's boundaries~~, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. ~~(Education Code 47605)~~ 47605

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

### **Monitoring Charter School Performance**

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code ~~47604.32~~ 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor ~~each~~ the charter school to determine whether it is achieving ~~both schoolwide and for all groups of students served by the school,~~ both schoolwide and for each numerically significant student subgroup served by the school, as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter ~~and shall include, at a minimum, a consideration~~ petition and any applicable memorandum of understanding, and on the charter school's annual review and assessment of ~~whether the school is meeting its Academic Performance Index growth targets established pursuant to Education Code 52052 and is making "adequate yearly progress" (AYP) pursuant to 20 USC 6311, as applicable~~ toward the goals and actions identified

in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget; ~~an~~ annual update, ~~aligned to~~ of the ~~template adopted by the SBE, of school goals, actions, and related expenditures;~~ charter school's LCAP, first and second interim financial reports; ~~;~~ and final unaudited report for the full prior year. ~~\_\_\_~~ (Education Code ~~47604.32, 47604.33, 47606.5~~) 47604.32, 47604.33, 47606.5)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisorial oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge ~~actual costs of supervisorial oversight~~ up to three percent of the charter school's revenue. ~~(Education Code 47613) for actual costs of supervisorial oversight or, if the facility is~~

BP 0420.41(c)

### **CHARTER SCHOOL OVERSIGHT (continued)**

provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. (Education Code 47613)

(cf. 7160 - Charter School Facilities)

### **Technical Assistance/Intervention**

~~If a charter school receiving federal Title I funding fails to make AYP, as defined pursuant to 20 USC 6311, for two or more consecutive years, the school shall be identified for program improvement and shall implement improvement strategies in accordance with 20 USC 6316.~~

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

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups ~~identified in Education Code 52052,~~ or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the district: ~~(Education Code 47607.3)~~ (Education Code 47607.3)

- 1.- ~~\_\_\_~~ Shall provide technical assistance to the charter school ~~using an evaluation rubric adopted by~~ based on the ~~SBE pursuant to Education Code 52064.5~~ California School Dashboard
- 2.- ~~\_\_\_~~ May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code ~~52074~~ 52074

In accordance with law, the Board may deny a ~~charter's~~charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with ~~regards~~regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. ~~0420.42~~ 0420.42 - Charter School Renewal)

(cf. ~~0420.43~~ 0420.43 - Charter School Revocation)

## Complaints

Each charter school shall establish and maintain ~~processes~~policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR ~~4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)~~ 4600-4670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. ~~1312.3~~ 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code ~~52075~~ 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code ~~52075~~ 52075)

BP 0420.41(d)

## CHARTER SCHOOL OVERSIGHT (continued)

### School Closure

In the event that the Board revokes or denies renewal of a charter or the charter school ~~closes~~ceases operation for any ~~other~~ reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days, if of the Board's action, if renewal of the charter is denied, the charter is revoked, or the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code ~~47604.32; 5 CCR 11962.1~~) (Education Code 47604.32; 5 CCR 11962.1)

Legal Reference: (see next page)

BP 0420.41(e)

## **CHARTER SCHOOL OVERSIGHT (continued)**

*Legal Reference:*

EDUCATION CODE

~~220~~-215 Suicide prevention policy

215.5 Suicide prevention hotline contact information on student identification cards

220 Nondiscrimination

~~17280-17317~~ Field Act

~~17365-17374~~-221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

222.5 Pregnant and parenting students, notification of rights

234.4 Mandated policy on bullying prevention

234.7 Student protections relating to immigration and citizenship status

17070.10-17079.30 Leroy F. Greene School Facilities Act

~~17280-17317~~ Field Act

~~17365-17374~~ Field Act, fitness for occupancy

~~35330~~-32282 Comprehensive safety plan

32283.5 Online training on bullying prevention

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act



35179.4-35179.6 Interscholastic athletic programs, safety  
35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance  
35330 Field trips and excursions; student fees

~~38080-38086 School meals~~

~~42100-38080-38086 School meals~~  
39831.3 Transportation safety plan  
39843 Disciplinary action against bus driver; report to Department of Motor Vehicles  
41024 Report of expenditure of state facility funds  
42100 Annual statement of receipts and expenditures  
44237-44030.5 Reporting change in employment status due to alleged misconduct  
44237 Criminal record summary  
44830.1-44691 Information on detection of child abuse  
44830.1 Certificated employees, conviction of a violent or serious felony  
45122.1-45122.1 Classified employees, conviction of a violent or serious felony

~~46201 Instructional minutes~~

~~47600-47616.7 Charter Schools Act of 1992~~

47634.2-45125.1 Fingerprinting; employees of contracting entity  
46015 Accommodations for pregnant and parenting students; parental leave  
47600-47616.7 Charter Schools Act of 1992  
47634.2 Nonclassroom-based instruction  
47640-47647-47640-47647 Special education funding for charter schools  
48000-47651 Apportionment of funds, charter schools  
48000 Minimum age of admission for kindergarten; transitional kindergarten  
48010-48011-48010-48011 Minimum age of admission (first grade)  
48907-48206.3-48208 Students with temporary disabilities; individual instruction  
48850-48859 Educational placement of foster youth and homeless students  
48907 Students' exercise of free expression; rules and regulations  
48950-48950 Student speech and other communication  
49061-49005-49006.4 Seclusion and restraint  
49011 Student fees  
49014 Public School Fair Debt Collection Act  
49061 Student records  
49110-49073.2 Privacy of student and parent/guardian personal information  
49076.7 Student records; data privacy; Social Security numbers

Legal Reference continued: (see next page)

BP 0420.41(f)

**CHARTER SCHOOL OVERSIGHT (continued)**

Legal Reference: (continued)

EDUCATION CODE (continued)  
49110 Authority ~~of~~to issue work permits  
49475-49381 Human trafficking prevention  
49414 Epinephrine auto-injectors  
49414.3 Administration of opioid antagonist  
49428 Notification of mental health services

~~49430-49434~~ *The Pupil Nutrition, Health, and Achievement Act of 2001, especially:*  
~~49431.9~~ *Advertisement of non-nutritious foods*  
~~49475~~ *Health and safety, concussions and head injuries*

~~51745-51749.3~~ *Independent study*

~~52051.5-52052~~ *Academic performance index, applicability to charter schools*

~~52060-52077-49557.5~~ *Child Hunger Prevention and Fair Treatment Act of 2017*  
~~49564~~ *Meals for needy students*  
~~51224.7~~ *Mathematics placement policy*  
~~51225.1-51225.2~~ *Exemption from local graduation requirements; acceptance of coursework*  
~~51225.6~~ *Instruction in cardiopulmonary resuscitation*  
~~51513~~ *Diploma of graduation, without passage of high school exit examination*  
~~51745-51749.6~~ *Independent study*  
~~51930-51939~~ *California Healthy Youth Act*  
~~52052~~ *Accountability; numerically significant student subgroups*  
~~52060-52077~~ *Local control and accountability plans*  
~~52075-52075~~ *Uniform complaint procedures*  
~~56026-56026~~ *Special education*  
~~56145-56146-56145-56146~~ *Special education services in charter schools*  
~~60600-60649-60600-60649~~ *Assessment of academic achievement*

~~60850-60859~~ *High school exit examination*

~~64000~~ *Categorical programs included in consolidated application*  
~~64001~~ *School plan for student achievement, consolidated application programs*  
~~65000-65001~~ *School site councils*  
~~69432.9-69432.92~~ *Cal Grant program; notification of grade point average and high school graduation*  
~~CORPORATIONS CODE~~  
~~5110-6910~~ *Nonprofit public benefit corporations*  
~~GOVERNMENT CODE~~  
~~3540-3549.3-1090-1099~~ *Prohibitions applicable to specified officers*  
~~3540-3549.3~~ *Educational Employment Relations Act*

~~54950-54963~~ *The Ralph M. Brown Act*

~~6250-6270~~ *California Public Records Act*  
~~54950-54963~~ *Ralph M. Brown Act*  
~~81000-91014~~ *Political Reform Act of 1974*  
~~HEALTH AND SAFETY CODE~~  
~~104420~~ *Tobacco Use Prevention Education grant program*  
~~104559~~ *Tobacco-free schools*  
~~LABOR CODE~~  
~~1198.5-1198.5~~ *Personnel records related to performance and grievance*  
~~PENAL CODE~~  
~~667.5-667.5~~ *Definition of violent felony*  
~~1192.7-1192.7~~ *Definition of serious felony*  
~~VEHICLE CODE~~  
~~28160~~ *Child safety alert system*  
~~CALIFORNIA CONSTITUTION~~  
~~Article 9, Section 5~~ *Common school system*  
~~Article 16, Section 8.5~~ *Public finance; school accountability report card*

*Legal Reference continued: (see next page)*

## CHARTER SCHOOL OVERSIGHT (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

11700.1-11705 Independent study

11960-11969 Charter schools

4600-4687 Uniform complaint procedures

11700.1-11705 Independent study

11960-11969 Charter schools

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

6319 Qualifications of teachers and paraprofessionals

7223-7225 Charter schools

1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex

6311 State plan

7221-7221j Charter schools

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

300.18 Highly qualified special education teachers

200.1-200.78 Accountability

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

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*Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017*  
*Charter Schools: A ~~Manual~~ Guide for Governance Teams, rev. 2009**2016*  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
*California School Accounting Manual*  
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*Special Education and Charter Schools: Questions and Answers, September 10, 2002*  
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CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org> <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/es>

<http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

<http://www.qualitycharters.org>

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

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA      MANUAL      MAINTENANCE  
SERVICE

adopted: ~~November 27, 2012 Alameda, California~~ \_\_\_\_\_ March 2019

revised: February 11, 2014

## **CHARTER SCHOOL OVERSIGHT**

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0500 - Accountability)*

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of the charter school at any time. (Education Code 47604.32, 47607)

The Superintendent or designee shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

### **Waivers**

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to the SBE on behalf of the charter school.

*(cf. 1431 - Waivers)*

### **Provision of District Services**

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

### **Material Revisions to Charter**

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth

in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to establish or move operations to one or more additional sites, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

### **Monitoring Charter School Performance**

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor the charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school, as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter petition and any applicable memorandum of understanding, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. (Education Code 47613)

*(cf. 7160 - Charter School Facilities)*

### **Technical Assistance/Intervention**

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school based on the California School Dashboard
2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0420.43 - Charter School Revocation)*

## **Complaints**

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

## **School Closure**

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of the charter is denied, the charter is revoked, or the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

*Legal Reference:*

**EDUCATION CODE**

215 *Suicide prevention policy*  
215.5 *Suicide prevention hotline contact information on student identification cards*  
220 *Nondiscrimination*  
221.61 *Posting of Title IX information on web site*  
221.9 *Sex equity in competitive athletics*  
222 *Lactation accommodations for students*  
222.5 *Pregnant and parenting students, notification of rights*  
234.4 *Mandated policy on bullying prevention*  
234.7 *Student protections relating to immigration and citizenship status*  
17070.10-17079.30 *Leroy F. Greene School Facilities Act*  
17280-17317 *Field Act*  
17365-17374 *Field Act, fitness for occupancy*  
32282 *Comprehensive safety plan*  
32283.5 *Online training on bullying prevention*  
33479-33479.9 *The Eric Parades Sudden Cardiac Arrest Prevention Act*  
35179.4-35179.6 *Interscholastic athletic programs, safety*  
35183.1 *Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance*  
35330 *Field trips and excursions; student fees*  
38080-38086 *School meals*  
39831.3 *Transportation safety plan*  
39843 *Disciplinary action against bus driver; report to Department of Motor Vehicles*  
41024 *Report of expenditure of state facility funds*  
42100 *Annual statement of receipts and expenditures*  
44030.5 *Reporting change in employment status due to alleged misconduct*  
44237 *Criminal record summary*  
44691 *Information on detection of child abuse*  
44830.1 *Certificated employees, conviction of a violent or serious felony*  
45122.1 *Classified employees, conviction of a violent or serious felony*  
45125.1 *Fingerprinting; employees of contracting entity*  
46015 *Accommodations for pregnant and parenting students; parental leave*  
47600-47616.7 *Charter Schools Act of 1992*  
47634.2 *Nonclassroom-based instruction*  
47640-47647 *Special education funding for charter schools*  
47651 *Apportionment of funds, charter schools*  
48000 *Minimum age of admission for kindergarten; transitional kindergarten*  
48010-48011 *Minimum age of admission (first grade)*  
48206.3-48208 *Students with temporary disabilities; individual instruction*  
48850-48859 *Educational placement of foster youth and homeless students*  
48907 *Students' exercise of free expression; rules and regulations*  
48950 *Student speech and other communication*  
49005-49006.4 *Seclusion and restraint*  
49011 *Student fees*  
49014 *Public School Fair Debt Collection Act*  
49061 *Student records*  
49073.2 *Privacy of student and parent/guardian personal information*  
49076.7 *Student records; data privacy; Social Security numbers*  
49110 *Authority to issue work permits*  
49381 *Human trafficking prevention*  
49414 *Epinephrine auto-injectors*  
49414.3 *Administration of opioid antagonist*  
49428 *Notification of mental health services*  
49430-49434 *The Pupil Nutrition, Health, and Achievement Act of 2001, especially:*  
49431.9 *Advertisement of non-nutritious foods*  
49475 *Health and safety, concussions and head injuries*  
49557.5 *Child Hunger Prevention and Fair Treatment Act of 2017*  
49564 *Meals for needy students*  
51224.7 *Mathematics placement policy*



51225.1-51225.2 *Exemption from local graduation requirements; acceptance of coursework*  
 51225.6 *Instruction in cardiopulmonary resuscitation*  
 51513 *Diploma of graduation, without passage of high school exit examination*  
 51745-51749.6 *Independent study*  
 51930-51939 *California Healthy Youth Act*  
 52052 *Accountability; numerically significant student subgroups*  
 52060-52077 *Local control and accountability plans*  
 52075 *Uniform complaint procedures*  
 56026 *Special education*  
 56145-56146 *Special education services in charter schools*  
 60600-60649 *Assessment of academic achievement*  
 64000 *Categorical programs included in consolidated application*  
 64001 *School plan for student achievement, consolidated application programs*  
 65000-65001 *School site councils*  
 69432.9-69432.92 *Cal Grant program; notification of grade point average and high school graduation*  
**CORPORATIONS CODE**  
 5110-6910 *Nonprofit public benefit corporations*  
**GOVERNMENT CODE**  
 1090-1099 *Prohibitions applicable to specified officers*  
 3540-3549.3 *Educational Employment Relations Act*  
 6250-6270 *California Public Records Act*  
 54950-54963 *Ralph M. Brown Act*  
 81000-91014 *Political Reform Act of 1974*  
**HEALTH AND SAFETY CODE**  
 104420 *Tobacco Use Prevention Education grant program*  
 104559 *Tobacco-free schools*  
**LABOR CODE**  
 1198.5 *Personnel records related to performance and grievance*  
**PENAL CODE**  
 667.5 *Definition of violent felony*  
 1192.7 *Definition of serious felony*  
**VEHICLE CODE**  
 28160 *Child safety alert system*  
**CALIFORNIA CONSTITUTION**  
 Article 9, Section 5 *Common school system*  
 Article 16, Section 8.5 *Public finance; school accountability report card*  
**CODE OF REGULATIONS, TITLE 5**  
 4600-4687 *Uniform complaint procedures*  
 11700.1-11705 *Independent study*  
 11960-11969 *Charter schools*  
**CODE OF REGULATIONS, TITLE 24**  
 101 et seq. *California Building Standards Code*  
**UNITED STATES CODE, TITLE 20**  
 1681-1688 *Title IX of the Education Amendments of 1972; discrimination based on sex*  
 6311 *State plan*  
 7221-7221j *Charter schools*  
**UNITED STATES CODE, TITLE 42**  
 11431-11435 *McKinney-Vento Homeless Assistance Act*  
**CODE OF FEDERAL REGULATIONS, TITLE 34**  
 200.1-200.78 *Accountability*  
**COURT DECISIONS**  
*Ridgecrest Charter School v. Sierra Sands Unified School District*, (2005) 130 Cal.App.4th 986  
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 89 *Ops.Cal.Atty.Gen.* 166 (2006)  
 80 *Ops.Cal.Atty.Gen.* 52 (1997)  
 78 *Ops.Cal.Atty.Gen.* 297 (1995)  
**CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS**  
*Student v. Horizon Instructional Systems Charter School*, (2012) OAH Case No. 2011060763

*Management Resources:*

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*Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018*

*Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017*

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*California School Accounting Manual*

*Sample Copy of a Memorandum of Understanding*

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*Special Education and Charter Schools: Questions and Answers, September 10, 2002*

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National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: November 27, 2012 Alameda, California

revised: February 11, 2014

revised:

## **CHARTER SCHOOL OVERSIGHT**

### **REQUIREMENTS FOR CHARTER SCHOOLS**

#### Charter schools

A charter school shall be subject to the terms of ~~their charters,~~its charter; any memorandum of understanding ~~with their chartering authority,~~between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, requirements that each charter school: or the entity managing the charter school:

#### **Governance**

- 1.- Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

#### **Operations**

3. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
4. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code ~~47605~~ 47605)
- ~~2. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)~~
- ~~3. Not charge tuition (Education Code 47605)~~
- ~~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~~

### Admission/Enrollment

- 5.-\_\_\_\_ Adhere to all laws establishing the minimum age for public school attendance (Education Code ~~47610~~ 47610)
- 6.-\_\_\_\_ 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~~ 11965 (Education Code 47612))

E 0420.41(b)

### CHARTER SCHOOL OVERSIGHT (continued)

- 7.-\_\_\_\_ Serve students with disabilities in the same manner as such students are served in other district schools (~~Education Code 47646, 56145~~) (Education Code 47646, 56145)
- 8.-\_\_\_\_ Admit all students who wish to attend the charter school, according to the following criteria and procedures:
- a.-\_\_\_\_ Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence 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~~that school's former attendance area. (Education Code ~~47605~~ 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 admission preference for students who are currently enrolled in ~~the~~that public elementary school and for students who reside in the public school attendance area. (Education Code ~~47605.3~~ 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, with preference 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~~ 47614.5) (Education Code 47605)
- c.-\_\_\_\_ Other admission preferences may be permitted by the ~~Governing~~ Board of the district on an individual school basis consistent with law. (Education Code ~~47605~~ 47605)
- 9.-\_\_\_\_ Immediately enroll a homeless student, except where such enrollment would conflict with Education Code ~~47605~~ 47605(d) (Education Code ~~48850~~ 48850; 42 USC ~~11431-11435~~ 11431-11435)

10.- Comply with the requirements of Education Code ~~48850-48859~~ 48850-48859 regarding the enrollment and placement of foster youth (Education Code ~~48853.5, 48859~~ 48853.5, 48859)

11. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

### **Nondiscrimination**

12. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)

E 0420.41(c)

### **CHARTER SCHOOL OVERSIGHT (continued)**

13. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7

14. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)

15. If the charter 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)

16. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)

17. 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)

## **Tuition and Fees**

18. Not charge tuition (Education Code 47605)
19. 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
20. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

E 0420.41(d)

## **CHARTER SCHOOL OVERSIGHT (continued)**

### **School Plans**

21. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, in consultation with specified stakeholders and using the template adopted by the State Board of Education (SBE). To the extent practicable, data shall be reported in a manner consistent with how information is reported on the California School Dashboard. As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the school's budget. (Education Code 47604.33, 47606.5, 52064, 52064.1)
22. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)
23. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)
24. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

## **Curriculum and Instruction**

25. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
26. ~~11. If the school offers a kindergarten program: (Education Code 48000)~~
- ~~a. Offer~~ If the charter school offers a kindergarten program, also offer a transitional kindergarten ~~(TK)~~ program to students whose fifth birthday is from September 2 through December 2 (Education Code 48000)
27. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

E 0420.41(e)

## **CHARTER SCHOOL OVERSIGHT (continued)**

28. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school, beginning in the 2019-2020 school year (Education Code 51931, 51934)
29. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources by January 1, 2020 (Education Code 49381)
30. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, 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)
31. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

## **High School Graduation**

32. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any graduation requirements established by the charter school that exceed state requirements, unless the school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

33. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)
34. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

### **Student Expression**

35. 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)

E 0420.41(f)

## **CHARTER SCHOOL OVERSIGHT (continued)**

### **Staffing**

- ~~36.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
- ~~42.~~ 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~~ 47605)
- ~~43.~~ Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code ~~44691~~)
- ~~37.~~
- ~~44.~~ Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (~~Education Code 44830.1, 45122.1, 45125.1~~) (Education Code 44830.1, 45122.1, 45125.1)
- ~~38.15.~~ 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~~ 44030.5)
- ~~39.16.~~ Meet the requirements of Education Code ~~47611~~ 47611 regarding the State Teachers' Retirement System (Education Code ~~47610~~ 47610)
- ~~47.~~



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

### **Parent/Guardian Involvement**

41. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
42. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

### **Nutrition**

43. Beginning with the 2019-2020 school year, provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction (Education Code 47613.5)
44. If the charter school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not

E 0420.41(g)

### **CHARTER SCHOOL OVERSIGHT (continued)**

comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

45. If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; ensure that a student with unpaid school meal fees is not shamed, treated differently, or served a meal that differs from other students; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)
46. If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

### **Student Health**

~~47.~~ 18. If the charter school serves students in grades 7-12, adopt a policy on suicide prevention, intervention, and postvention with specified components ~~(Education Code 215),~~ review the

~~19.~~ If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

~~20.~~ Meet all statewide standards and conduct any statewide assessments applicable to non-charter public schools (Education Code 47605, 47612.5, 60605)

~~21.~~ Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

~~22.~~ Offer at least ~~the~~ every five years, and, if the school issues student identification cards, print the telephone number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5) the National Suicide Prevention Lifeline on those cards

~~23.~~ 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) 215, 215.5)

24. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through non-classroom-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)

48. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

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

50.

~~25.~~ 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)

~~26.~~ If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest 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, passes out, or faints during or immediately after participation in an athletic activity, he/she the student 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 the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479 33479.5, 49475) 33479-33479.5, 49475)

27. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605) E 0420.41(h)

## **CHARTER SCHOOL OVERSIGHT (continued)**

51. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
52. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
53. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

### **Student Conduct/Discipline**

54. Adopt a policy on bullying and cyberbullying prevention by December 31, 2019, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 32283.5)
55. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

### **Student and Parent/Guardian Records**

**56.**

~~28. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (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. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7~~

~~31.~~ *Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law ~~(Education Code 49076.7)~~ (Education Code 49076.7)*

~~32.~~ *Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection ~~(Education Code 47612.5)~~*

~~33.~~

~~57.~~ *Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)*

~~58.~~ *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)~~ 47605)*

~~34.~~ \_\_\_\_\_ E 0420.41(i)

### CHARTER SCHOOL OVERSIGHT (continued)

~~59.~~ *If the charter school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt 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, 69432.92)~~ (Education Code 69432.9, 69432.92)*

~~35.~~ *~~Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus ~~(Education Code 39831.3)~~~~*

### Facilities

~~60.~~

~~36.~~ *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)~~ (Education Code 47610, 47610.5)*

a.- *The facility complies with the Field Act pursuant to Education Code ~~17280-17317, 17280-17317~~ and ~~17365-17374, 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.

~~37. 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)~~

## **Finance**

61. \_\_\_\_\_

~~38. 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~~

~~39. If the school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist~~

~~40. If the school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430 49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)~~

~~41. If the school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; ensure that a student with unpaid school meal fees is not shamed, treated differently, or served a meal that differs from other students; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)~~

~~42. If the school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)~~

~~43. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (~~Education Code 47604.3~~) (Education Code 47604.3)~~

44. \_\_\_\_\_

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

63. Identify and report to the SPI any portion of the charter school's 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)

64. 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~~( 47605(g) ) will satisfy this requirement. ~~(Education Code 47604.33)~~ 47604.33)

~~b. By July 1, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and accountability plan template adopted by the State Board of Education. 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, 52064)~~

~~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)~~

e.- E 0420.41(j)

### CHARTER SCHOOL OVERSIGHT (continued)

b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. ~~(Education Code 47604.33)~~ (Education Code 47604.33)

~~d.~~

c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. ~~(Education Code 47604.33)~~ (Education Code 47604.33)

~~e.~~

d. 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)~~ (Education Code 42100, 47604.33)

~~f.~~

e. 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)CDE. (Education Code 47605)

~~45. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)~~

65. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

### Accountability

66.

~~46. 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)~~

~~47. Annually adopt a school accountability report card (Education Code 47612; 47612; California Constitution, Article 16, Section 8.5)~~

~~In addition, charter schools shall comply with the state and federal constitutions, applicable federal laws, and state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963 and the conflict of interest laws in Government Code 1090-1099 and 87100-91014.~~

**CHARTER SCHOOL OVERSIGHT**

**REQUIREMENTS FOR CHARTER SCHOOLS**

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, requirements that each charter school or the entity managing the charter school:

**Governance**

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

**Operations**

3. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
4. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

**Admission/Enrollment**

5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
6. 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)



7. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
8. Admit all students who wish to attend the charter school, according to the following criteria and procedures:
  - a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence 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 that 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 admission preference for students who are currently enrolled in that 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, with preference 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 admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)
9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
10. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
11. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

### **Nondiscrimination**

12. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
13. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or

documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7

14. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)
15. If the charter 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)
16. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
17. 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)

### **Tuition and Fees**

18. Not charge tuition (Education Code 47605)
19. 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
20. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

### **School Plans**

21. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, in consultation with specified stakeholders and using the template adopted by the State Board of Education (SBE). To the extent practicable, data shall be reported in a manner consistent with how information is reported on the California School Dashboard. As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by

the SBE, which includes specified information relating to the school's budget. (Education Code 47604.33, 47606.5, 52064, 52064.1)

22. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)
23. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)
24. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

### **Curriculum and Instruction**

25. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
26. If the charter school offers a kindergarten program, also offer a transitional kindergarten program to students whose fifth birthday is from September 2 through December 2 (Education Code 48000)
27. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
28. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school, beginning in the 2019-2020 school year (Education Code 51931, 51934)
29. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources by January 1, 2020 (Education Code 49381)
30. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, 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)
31. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

## **High School Graduation**

32. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any graduation requirements established by the charter school that exceed state requirements, unless the school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)
33. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)
34. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

## **Student Expression**

35. 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)

## **Staffing**

36. 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)
37. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)
38. 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)
39. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
40. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

## **Parent/Guardian Involvement**

41. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
42. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

## **Nutrition**

43. Beginning with the 2019-2020 school year, provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction (Education Code 47613.5)
44. If the charter school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)
45. If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; ensure that a student with unpaid school meal fees is not shamed, treated differently, or served a meal that differs from other students; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)
46. If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

## **Student Health**

47. If the charter school serves students in grades 7-12, adopt a policy on suicide prevention, intervention, and postvention with specified components, review the policy at least every five years, and, if the school issues student identification cards, print the telephone number of the National Suicide Prevention Lifeline on those cards (Education Code 215, 215.5)
48. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)

49. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
50. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest 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, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)
51. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
52. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
53. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

#### **Student Conduct/Discipline**

54. Adopt a policy on bullying and cyberbullying prevention by December 31, 2019, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 32283.5)
55. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

#### **Student and Parent/Guardian Records**

56. *Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)*

57. *Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)*
58. 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)
59. If the charter school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt 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, 69432.92)

## **Facilities**

60. 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.

## **Finance**

61. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)
62. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
63. Identify and report to the SPI any portion of the charter school's 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)
64. Annually prepare and submit financial reports to the district 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 December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
  - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
  - d. 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)
  - e. 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 CDE. (Education Code 47605)
65. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

### **Accountability**

66. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

Exhibit ALAMEDA UNIFIED SCHOOL DISTRICT

version: July 6, 2018 Alameda, California

revised:



## MEDIA RELATIONS

The Governing Board ~~of Education~~ respects the public's desire for and right to information and recognizes that the media significantly influence the community's understanding of school programs, student achievement, and school safety. In order to develop and maintain positive media relations, the Board and ~~the~~ Superintendent ~~desire to~~shall reasonably accommodate media requests for information and ~~to~~ provide accurate, reliable, and timely information.

In conjunction with the Superintendent or designee, the Board shall periodically establish priorities and key messages for proactively communicating with the media regarding current district issues, activities, or needs.

(cf. 0400 - Comprehensive Plans)  
(cf. 0450 - Comprehensive Safety Plan)  
(cf. 0460 - Local Control and Accountability Plan)  
(cf. 0510 - School Accountability Report Card)  
(cf. 1100 - Communication with the Public)  
(cf. 1160 - Political Processes)

Media representatives are welcome at all public Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

(cf. 9321 - Closed Session)  
(cf. 9322 - Agenda/Meeting Materials)

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1250 - Visitors/Outsiders)  
(cf. 3515.2 - Disruptions)

Staff may provide the media with student directory information, ~~including, but not limited to, the name as identified in AR 5125.1 - Release of a student, school of attendance, grade level, honors, and activities~~ Directory Information, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release other student records or personally identifiable student information that is private or confidential as required by law, Board policy, or administrative regulation. ~~No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.~~

(cf. 1340 - Access to District Records)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 9010 - Public Statements)  
(cf. 9324 - Minutes and Recordings)

## **Interviewing and Photographing Students**

The district shall not impose restraints on students' right to speak freely with media representatives ~~at those times which do not disrupt a student's educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.~~ However, interviewing and photographing students shall not create

In order to protect the privacy and orderly operation of the school or ~~substantial disruption to protect the privacy and orderly operation of the school or impinge on the rights or safety of students.~~ a. Therefore, the district shall encourage media representatives who wish to interview or photograph students on school grounds should first ~~to~~ make prior arrangements with the principal or designee.

~~When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission.~~

WHEN INTERVIEWING OR PHOTOGRAPHING A SPECIAL EDUCATION STUDENT, THE STUDENT SHOULD NOT BE IDENTIFIED AS A SPECIAL EDUCATION STUDENT WITHOUT PRIOR WRITTEN PARENT/GUARDIAN PERMISSION.

*(cf. 5145.2 - Freedom of Speech/Expression)*

### **Media Communications Plan Contacts/Spokespersons**

~~The In order to help develop strong relations with the media, the Superintendent or designee shall develop a proactive media communications plan. This plan may include, but not be limited to, information related to district programs and needs, student awards, school accomplishments and events of special interest.~~ identify

~~The plan shall specify~~ the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent and, public information officer, or district communications director. Other Board members and/or staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue. or appropriateness given a particular situation.

The Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

*(cf. 9240 - Board Training)*

### **Crisis Communications Plan**

~~During a disturbance or crisis situation, the first priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need~~

The Superintendent or designee shall develop strategies for working with the media to provide timely and accurate information to students, parents/guardians, and the community during a crisis. The Board also recognizes that the media have an important role to play in relaying this information to the public. In order to help ensure that the media and district work together

~~effectively, the Superintendent or designee shall develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis.~~

~~or natural disaster.~~ The crisis communications plan may include, but not be limited to, identification of a media center ~~location,~~, ~~strategies for press conference logistics, and development and integration~~ of both internal and external notification systems, ~~and strategies for press conference logistics~~ including public address systems, social media, web site postings, and text alerts.

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 1114 - District-Sponsored Social Media)*

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

The Superintendent or designee shall include local law enforcement ~~and,~~ media representatives, and district technology personnel in the crisis planning process.

#### *Legal Reference:*

##### EDUCATION CODE

~~32210-32212~~ 32210-32212 Willful disturbance of public school or meeting

~~35144-35144~~ 35144 Special meetings

~~35145-35145~~ 35145 Public meetings

~~35160-35160~~ 35160 Authority of governing boards

~~35172-35172~~ 35172 Promotional activities

48907 Freedom of speech and press

48950 Prohibition against disciplinary action for first amendment speech

49061 Definition of directory information

49073 Directory information

##### EVIDENCE CODE

~~1070-1070~~ 1070 Refusal to disclose news source

##### PENAL CODE

~~627-627.10~~ 627.10 Access to school premises

627-627.10 Access to school premises

##### UNITED STATES CODE, TITLE 20

1232g Family educational and privacy rights

##### CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 Definition of directory information

##### COURT DECISIONS

Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302

##### ATTORNEY GENERAL OPINIONS

~~9579~~ Ops. Cal. Atty. Gen. 50958 (1996)

#### *Management Resources:*

##### **CSBA PUBLICATIONS**

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

##### WEB SITES

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

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

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009 Alameda, California~~

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July 2019

**MEDIA RELATIONS**

The Governing Board respects the public's desire for and right to information and recognizes that the media significantly influence the community's understanding of school programs, student achievement, and school safety. In order to develop and maintain positive media relations, the Board and Superintendent shall reasonably accommodate media requests for information and provide accurate, reliable, and timely information.

In conjunction with the Superintendent or designee, the Board shall periodically establish priorities and key messages for proactively communicating with the media regarding current district issues, activities, or needs.

*(cf. 0400 - Comprehensive Plans)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
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*(cf. 1250 - Visitors/Outsiders)*  
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*(cf. 1340 - Access to District Records)*  
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*(cf. 5145.2 - Freedom of Speech/Expression)*

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*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 1114 - District-Sponsored Social Media)*

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

The Superintendent or designee shall include local law enforcement, media representatives, and district technology personnel in the crisis planning process.

#### *Legal Reference:*

##### **EDUCATION CODE**

*32210-32212 Willful disturbance of public school or meeting*

*35144 Special meetings*

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*35160 Authority of governing boards*

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COURT DECISIONS

Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

~~Complaints Concerning District Employees~~

~~The Board of Education accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.~~

~~The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.~~

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

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

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

*(cf. 9323 - Meeting Conduct)*

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4144/4244/4344 - Complaints)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*



(cf. 5145.7 - Sexual Harassment)

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the  
~~The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion,~~ legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

BP 1312.1(b)

### COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may keep a complainant's identity confidential, except to the extent necessary limit the district's ability to investigate the complaint. The district will not employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.~~anonymous complaints~~

### Appeals

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

(cf. 9130 - Board Committees)

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless it so desires the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

The Board's decision shall be final.

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

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

Legal Reference: (see next page)

BP 1312.1(c)

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

*Legal Reference:*

### EDUCATION CODE

33308.1-33308.1 Guidelines on procedure for filing child abuse complaints

35146-35146 Closed sessions

44031-44031 Personnel file contents and inspection

44811-44811 Disruption of public school activities

44932-44949-44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987-48987 Child abuse guidelines

### GOVERNMENT CODE

54957-54957 Closed session; complaints re employees

54957.6-54957.6 Closed session; salaries or fringe benefits

### PENAL CODE

273-273 Cruelty or unjustifiable punishment of child

11164-11174.3-11164-11174.3 Child Abuse and Neglect Reporting Act

### WELFARE AND INSTITUTIONS CODE

300-300 Minors subject to jurisdiction of juvenile court

**Management Resources:**

## **CDE LEGAL ADVISORIES**

~~0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4.93)~~

### COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009 Alameda, California~~

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May 2019

## **COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

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

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

*(cf. 9323 - Meeting Conduct)*

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4144/4244/4344 - Complaints)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

## **Appeals**

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

*(cf. 9130 - Board Committees)*

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

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

*(cf. 9323 - Meeting Conduct)*

The Board's decision shall be final.

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

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

### *Legal Reference:*

#### EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

#### GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

#### PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

#### COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Because

**TRANSPORTATION FEES**

Whenever the cost of providing student transportation exceeds funding provided by the state, the Governing Board of Education finds it necessary to may charge fees for home-to-school student transportation.

~~When home-to-school student and other~~ transportation ~~is provided, the~~ services as expressly authorized by law.

*(cf. 3260 - Fees and Charges)*

*(cf. 3540 - Transportation)*

The Superintendent or designee shall annually submit proposed transportation fee schedules for Board approval. ~~Fees shall be determined on the basis of operating costs in accordance with law.~~  
~~No~~

The transportation fee shall be waived for students with demonstrated financial need in accordance with Education Code 39807.5. Eligibility for free transportation based on financial need shall be determined in accordance with the income eligibility scales used for the free and reduced-price lunch program.

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

In addition, no charge shall be made for any transportation of ~~students~~ a student with a disability whose individualized education program ~~requires~~ includes transportation ~~or whose parents/guardians are determined indigent pursuant to administrative regulations.~~ receive a free appropriate public education. (Education Code 39807.5)

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 6159 - Individualized Education Program)*

The Board shall certify to the County Superintendent of Schools that the district has levied fees in accordance with law and that, in the event that excess fees have been charged, the fees have been reduced and excess fee revenue eliminated. (Education Code 39809.5)

Legal Reference: (see next page)

## **TRANSPORTATION FEES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

~~10913-10900-10914.5~~ *Community recreation program, especially:*

~~10913~~ *Fees for uses of school buses for community recreation purposes*

~~35330-35330~~ *Excursions or field trips*

### ~~39800-39860~~ *Transportation, especially:*

~~39801.5-39800-39860~~ *Transportation, especially:*

~~39801.5~~ *Transportation fees for adults*

~~39807.5-39807.5~~ *Payment of transportation cost; amount of payment*

~~39809.5-39809.5~~ *Excess fees; adjustments*

~~39837-39837~~ *Fees for summer employment transportation*

~~41850-41850~~ *Home-to-school and special education transportation*

~~49557-49014~~ *Public School Fair Debt Collection Act*

~~49557-49558~~ *Applications for free and reduced-price meals*

### ~~49558~~ *Confidentiality of applications and records*

~~56026-56026~~ *Individuals with exceptional needs*

#### CODE OF REGULATIONS, TITLE 5

~~350-350~~ *Fees not permitted*

## ~~CODE OF FEDERAL REGULATIONS, TITLE 7~~

~~245.8(a)~~ *Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk*

#### COURT DECISIONS

*Arcadia Unified School District et al v. State Department of Education*, 2 Cal. 4th 251 (1992)

*Hartzell v. Connell*, 35 Cal.3d 899 (1984)

### *Management Resources:*

## ~~CDE MANAGEMENT ADVISORIES~~

~~0619.92~~ *Fees for Pupil Transportation (#92-05)*



CDE PROGRAM ADVISORIES

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

WEB SITES

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT CSBA    MANUAL    MAINTENANCE  
SERVICE

adopted: August 25, 2009 Alameda, California

May 2019

**TRANSPORTATION FEES**

Whenever the cost of providing student transportation exceeds funding provided by the state, the Governing Board may charge fees for home-to-school student transportation and other transportation services as expressly authorized by law.

*(cf. 3260 - Fees and Charges)*

*(cf. 3540 - Transportation)*

The Superintendent or designee shall annually submit proposed transportation fee schedules for Board approval.

The transportation fee shall be waived for students with demonstrated financial need in accordance with Education Code 39807.5. Eligibility for free transportation based on financial need shall be determined in accordance with the income eligibility scales used for the free and reduced-price lunch program.

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

In addition, no charge shall be made for any transportation of a student with a disability whose individualized education program includes transportation as a related service necessary to receive a free appropriate public education. (Education Code 39807.5)

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 6159 - Individualized Education Program)*

The Board shall certify to the County Superintendent of Schools that the district has levied fees in accordance with law and that, in the event that excess fees have been charged, the fees have been reduced and excess fee revenue eliminated. (Education Code 39809.5)

*Legal Reference:*

**EDUCATION CODE**

*10900-10914.5 Community recreation program, especially:*

*10913 Fees for uses of school buses for community recreation purposes*

*35330 Excursions or field trips*

*39800-39860 Transportation, especially:*

*39801.5 Transportation fees for adults*

*39807.5 Payment of transportation cost; amount of payment*

*39809.5 Excess fees; adjustments*

*39837 Fees for summer employment transportation*

*41850 Home-to-school and special education transportation*

*49014 Public School Fair Debt Collection Act*

*49557-49558 Applications for free and reduced-price meals*

*56026 Individuals with exceptional needs*

CODE OF REGULATIONS, TITLE 5

*350 Fees not permitted*

COURT DECISIONS

*Arcadia Unified School District et al v. State Department of Education, 2 Cal. 4th 251 (1992)*

*Hartzell v. Connell, 35 Cal.3d 899 (1984)*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017*

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

## **FOOD SERVICE OPERATIONS/CAFETERIA FUND**

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

~~(cf. 3100 - Budget)~~

~~(cf. 3100 - Budget)~~

~~(cf. 3300 - 3300 - Expenditures and Purchases)~~

~~(cf. 3311 - Bids)~~

~~(cf. 3311 - Bids)~~

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

~~(cf. 3552 - 3552 - Summer Meal Program)~~

~~(cf. 5030 - 5030 - Student Wellness)~~

The Superintendent or designee shall ensure that ~~all~~ food service ~~personnel~~ director(s) possess the ~~required~~ qualifications required by 7 CFR 210.30 and ~~receive ongoing professional development related to the effective management and implementation~~ California Department of the district's food service program in accordance with law Education (CDE) standards.

~~(cf. 4231 - 4231 - Staff Development)~~

~~(cf. 4331 - 4331 - Staff Development)~~

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the ~~California Department of Education (CDE). (42 USC 1776)~~ CDE. (42 USC 1776)

### **Meal Sales**

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

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. Students who are enrolled in the free or reduced-price meal program

shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

~~(cf. 38084 and 42 USC 1760, 3553 - Free and Reduced Price Meals)~~

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform ~~to~~with BP/AR 3553 - Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE

guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified, by the use of special tokens, tickets, or other means and is not shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code ~~49557.5~~ 49557, 49557.5)

~~Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.~~

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

~~(cf. 0415 - Equity)~~

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

## **Cafeteria Fund**

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

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

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

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

~~(cf. 3230 3230 - Federal Grant Funds)~~

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

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

## **Contracts with Outside Services**

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

(cf. ~~3312~~ 3312 - *Contracts*)

(cf. ~~3600~~ 3600 - *Consultants*)

## **Procurement of Foods, Equipment and Supplies**

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (~~42 USC 1760~~; 7 CFR ~~210.21~~) (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code ~~2000~~; 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code ~~20111~~ 20111)

## **Program Monitoring and Evaluation**

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from ~~non-program~~ nonprogram goods, indirect costs, and USDA foods.

(cf. ~~3555~~ 3555 - Nutrition Program Compliance)

*Legal Reference:*

EDUCATION CODE

38080-38086 1 Cafeteria, establishment and use  
38090-38095 Cafeterias, funds and accounts  
38100-38103 Cafeterias, allocation of charges  
42646 Alternate payroll procedure  
45103.5 Contracts for management consulting services; restrictions  
49490-49493 School breakfast and lunch programs  
49500-49505 School meals

49554 Contract for services

49550-49564.5 Meals for needy students, especially:

49550.5 Universal breakfast

49554 Contract for services

49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.~~318~~317-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

250.1-250.70 USDA foods

*Management Resources:*

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California School Accounting Manual

Food Distribution Program Administrative Manual

Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin, SNP-10-2019, April 2019

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Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, and Additional Guidance on the Handling of Unpaid Meal Charges, NSD Management Bulletin, SNP-03-2018, February 2018

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

*Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018*

*Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017*

~~Clarification for the Use of Alternate Meals in the National School Lunch~~*Procuring and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges*~~Monitoring of Food Service Management Contracts, NSD Management Bulletin, USDA-SNP-0613-2015, May 2015~~

*Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013*

~~Paid Lunch Equity Requirement, NSD Management Bulletin, USDA SNP 16-2012, October 2012~~

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

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*FAQs About School Meals*

~~Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017~~

~~Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016~~

~~Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016~~

~~Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016~~

*Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016*~~38-2017, June 2017~~

~~Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, May 2017~~

~~Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017~~

~~Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016~~

~~Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016~~

*Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014*

WEB SITES

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

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

U.S. Department of Agriculture, Food and Nutrition Service: ~~<http://www.fns.usda.gov/cnd>~~  
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Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 23, 2011 Alameda, California~~ July 2019

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*(cf. 3300 - Expenditures and Purchases)*

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

*(cf. 3552 - Summer Meal Program)*

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*(cf. 3400 - Management of District Assets/Accounts)*  
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*(cf. 3555 - Nutrition Program Compliance)*

#### *Legal Reference:*

##### EDUCATION CODE

38080-38086.1 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

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200.56 Indirect costs, definition  
200.317-200.326 Procurement standards  
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250.1-250.70 USDA foods

*Management Resources:*

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CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

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*Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017*

*Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015*

*Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013*

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

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FAQs About School Meals

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*Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools*, May 2017

*Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017*

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*Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016*

*Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014*

WEB SITES

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

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 23, 2011 Alameda, California

revised: May 8, 2018

revised:

## All Personnel

BP- 4119.22-~~Personnel~~(a)

### ~~Dress And Grooming~~

4219.22

### DRESS AND GROOMING

4319.22

The Governing Board of Education believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

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

(cf. 4112.21/4212.21/4312.21 - Professional Standards)

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

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

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

In addition, the district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Legal Reference: (see next page)

## **DRESS AND GROOMING (continued)**

### *Legal Reference:*

#### **EDUCATION CODE**

~~35160~~ **35160** *Authority of governing boards*

~~35160.1~~ **35160.1** *Broad authority of school districts*

#### **GOVERNMENT CODE**

~~3543.2~~ **3543.2** *Scope of representation*

~~12949~~ **12926** *Definitions*

**12940** *Unfair employment practices*

**12949** *Dress standards, consistency with gender identity*

#### **COURT DECISIONS**

*San Mateo City School District v. PERB* (1983) 33 Cal. 3d 850

*Domico v. Rapides Parish School Board* (5th Cir. 1982) 675 F.2d 100

*East Hartford Education Assn. v. Board of Education* (2d Cir. 1977) 562 F. 2d 856

*Finot v. Pasadena Board of Education* (1967) 250 Cal.App.2d 189

#### **PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS**

*Santa Ana Unified School District* (1998) 22 PERC P29, 136

*Inglewood Unified School District* (1985) 10 PERC P17, 000

### *Management Resources:*

#### **CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS**

*Transgender Rights in the Workplace*

#### **WEB SITES**

*California Department of Fair Employment and Housing:* <https://www.dfeh.ca.gov>

*Public Employment Relations Board:* ~~<http://www.perb.ca.gov>~~ <http://www.perb.ca.gov>

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009 Alameda, California~~

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May 2019



## **All Personnel**

BP 4119.22

4219.22

## **DRESS AND GROOMING**

4319.22

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

*(cf. 0415 - Equity)*

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

*(cf. 4112.21/4212.21/4312.21 - Professional Standards)*

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

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

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

In addition, the district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

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#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

#### GOVERNMENT CODE

3543.2 Scope of representation

12926 Definitions

12940 Unfair employment practices

12949 Dress standards, consistency with gender identity

#### COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

*Management Resources:*

*CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS*

*Transgender Rights in the Workplace*

*WEB SITES*

*California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>*

*Public Employment Relations Board: <http://www.perb.ca.gov>*

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION**

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, and administrative regulation.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 4000 - Concepts and Roles)*  
*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4200 - Classified Personnel)*

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.

*(cf. 4216 - Probationary/Permanent Status)*

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

**Procedures for Disciplinary Proceedings**

If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)

*(cf. 3515.3 - District Police/Security Department)*

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

*(cf. 9321 - Closed Session)*

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

Following the hearing, the Board shall affirm, modify, or reject the disciplinary action recommended by the Superintendent or designee. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

In cases involving an allegation of egregious misconduct, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

*Legal Reference:*

EDUCATION CODE

35161 *Delegation of powers and duties*

44009 *Conviction of specified crimes*

44010 *Sex offense*

44011 *"Controlled substance offense" defined*

44031 *Personnel file*

44940 *Leave of absence; employee charged with mandatory or optional leave of absence offense*

44940.5 *Compulsory leave of absence; procedures; extension; compensation; bond or security*

44990-44994 *Testimony of minor witnesses at dismissal or suspension hearings*

45101 *Definitions (including "disciplinary action," "cause")*

45109 *Fixing of duties*

45113 *Rules and regulations for classified service in districts not incorporating the merit system*

45123 *Employment after conviction of sex or narcotics offense*

45124 *Dismissal of sexual psychopath*

45202 *Transfer of accumulated sick leave and other benefits following dismissal*

45240-45320 *Merit system, classified employees*

CODE OF CIVIL PROCEDURE

1286.2 *Grounds for vacating decision of arbitrator*

GOVERNMENT CODE

11500-11529 *Administrative adjudication*

12900-12996 *Fair Employment and Housing Act*

54957 *Brown Act open meeting laws; closed session*

HEALTH AND SAFETY CODE

11054 *Schedule I; substances included*

11055 *Schedule II, substances included*

11056 *Schedule III, substances included*

11357-11361 *Marijuana*

11363 *Peyote*

11364 *Opium*

11370.1 *Possession of controlled substances with a firearm*

PENAL CODE

187 *Murder*

667.5 *Sex offenders*

830.32 *Peace officers employed by district*

1192.7 *Violent or serious felony*

11165.2-11165.6 *Child abuse or neglect, definitions*

VEHICLE CODE

1808.8 *School bus drivers; dismissal for safety-related cause*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

COURT DECISIONS

*California School Employees Association v. Bonita Unified School District*, (2008) No. B200141

*California School Employees v. Livingston Union School District*, (2007) 149 Cal.App 4th 391

*CSEA v. Foothill Community College District*, (1975) 52 Cal.App. 3rd 150, 155-156, 124 Cal. Rptr 830

Policy  
adopted:

CSBA MANUAL MAINTENANCE SERVICE  
July 2019

**BULLYING**

The Governing Board of Education recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional and physical harm. ~~District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. Superintendent or designee shall take steps to ensure that district employees become familiar with the AUSD Anti-Bullying Statement and the AUSD bullying reporting form.~~

No student individual or group ~~of students~~ shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any ~~other~~ student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

~~"Bullying" is legally defined by California Education Code 48900(r) as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. These acts can be reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress. Bullying may be motivated either by bias or prejudice based upon any actual or perceived characteristic (such as race, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression); a mental, physical or sensory disability or impairment; or by any other distinguishing characteristic. An "electronic act" means the transmission of a communication (including but not limited to a message, text, sound, or image, or a post on a social network internet website) by means of an electronic device (including but not limited to a telephone, wireless telephone or other wireless communication device, computer or pager). A "reasonable pupil" means a pupil (including but not limited to an exceptional needs pupil) who exercises average care, skill, and judgment in conduct for a person of his or her age or for a person of his or her age with his or her exceptional needs.~~

~~(cf. 5131- 5131 - Conduct)~~

~~(cf. 5136 - Gangs)~~

~~(cf. 5136 - Gangs)~~

~~(cf. 5145.3- 5145.3 - Nondiscrimination/Harassment)~~

~~(cf. 5145.7- 5145.7 - Sexual Harassment)~~

~~(cf. 5145.9- 5145.9 - Hate-Motivated Behavior)~~

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

~~(cf. 1220 - Citizen Advisory Committees)~~

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

~~(cf. Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. 6020 - Parent Involvement)~~

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

~~(cf. 5145.2 - Freedom of Speech/Expression)~~

~~Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.~~

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

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

~~(cf. 1220 - Citizen Advisory Committees)~~

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

~~(cf. 6020 - Parent Involvement)~~

### **Bullying Prevention**

~~To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks, the AUSD Anti-Bullying Statement, and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying. The District shall provide access to the AUSD Anti-Bullying Statement, the Bullying Complaint Form, and information about the Uniform Complaint Procedure to all student families at the beginning of each school year.~~

~~(cf. 5137 - Positive School Climate)~~

~~(cf. 6164.2 - Guidance/Counseling Services)~~

~~The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.~~

~~(cf. 6142.8 - Comprehensive Health Education)~~

~~(cf. 0460 - Local Control and Accountability Plan)~~

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 6142.94—History Social Science Instruction)

(cf. 6163.4—Student Use of Technology)

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

~~Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.~~

#### **Intervention**

~~Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously. Written complaints of bullying shall be transmitted to school staff via the Uniform Complaint Procedure Form or AUSD Anti-bullying form, as more fully explained in this policy under "Complaints and Investigation," below. These forms shall be readily available on the District's website and in all classrooms in the District.~~

~~School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)~~

~~When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.~~

#### **Complaints and Investigation**

~~Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying 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) including race, religion, national origin, gender or sexual~~



orientation (actual or perceived), or disability, shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3—Uniform Complaint Procedures. Complaints of other forms of bullying may be documented on the AUSD Bullying Complaint Form found on the District's website.

(cf. 1312.3—Uniform Complaint Procedures)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other 1312.3 - Uniform Complaint Procedures

Any employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee shall file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Discipline who permits or

Any student who engages in bullying on school premises or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance or retaliation related to bullying shall be subject to discipline which may include suspension or expulsion in accordance with the Education Code and district policies and regulations disciplinary action, up to and including dismissal.

BP 5131.2(b)

## **BULLYING (continued)**

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

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

(cf. (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. 6159.4—Behavioral Interventions for Special Education Students)

4218 - Dismissal/Suspension/Disciplinary Action)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources: (see next page)

BP 5131.2(c)

**BULLYING (continued)**

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 20072010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

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

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

National School Safety Center: <http://www.schoolsafety.us> <http://www.schoolsafety.us>

Partnership for Children and Youth: <https://www.partnerforchildren.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>:  
<http://www.ed.gov>

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~June 25, 2013 Alameda, California~~ May 2019

~~revised: November 14, 2017~~

## **Bullying**

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm.

District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. Superintendent or designee shall take steps to ensure that district employees become familiar with the AUSD Anti-Bullying Statement and the AUSD bullying reporting form.

No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

"Bullying" is legally defined by California Education Code [48900\(r\)](#) as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. These acts can be reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress. Bullying may be motivated either by bias or prejudice based upon any actual or perceived characteristic (such as race, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression); a mental, physical or sensory disability or impairment; or by any other distinguishing characteristic. An "electronic act" means the transmission of a communication (including but not limited to a message, text, sound, or image, or a post on a social network internet website) by means of an electronic device (including but not limited to a telephone, wireless telephone or other wireless communication device, computer or pager). A "reasonable pupil" means a pupil (including but not limited to an exceptional needs pupil) who exercises average care, skill, and judgment in conduct for a person of his or her age or for a person of his or her age with his or her exceptional needs.

(cf. [5131](#) - Conduct)

(cf. [5136](#) - Gangs)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

(cf. [5145.9](#) - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. [5145.2](#) - Freedom of Speech/Expression)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community. Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [1220](#) - Citizen Advisory Committees)

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

(cf. [6020](#) - Parent Involvement)

### Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks, the AUSD Anti-Bullying Statement, and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying. The District shall provide access to the AUSD Anti-Bullying Statement, the Bullying Complaint Form, and information about the Uniform Complaint Procedure to all student families at the beginning of each school year.

(cf. [5137](#) - Positive School Climate)

(cf. [6164.2](#) - Guidance/Counseling Services)

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6142.94](#) - History-Social Science Instruction)

(cf. [6163.4](#) - Student Use of Technology)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

### Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously. Written complaints of bullying shall be transmitted to school staff via the Uniform Complaint Procedure Form or AUSD Anti-bullying form, as more fully explained in this policy under "Complaints and Investigation," below. These forms shall be readily available on the District's website and in all classrooms in the District.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code [234.1](#))

When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

### Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying 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) including race, religion, national origin, gender or sexual orientation (actual or perceived), or disability, shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. Complaints of other forms of bullying may be documented on the AUSD Bullying Complaint Form found on the District's website.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. [1312.3](#) - Uniform Complaint Procedures)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee shall file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

#### Discipline

Any student who engages in bullying on school premises or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance shall be subject to discipline which may include suspension or expulsion in accordance with the Education Code and district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - *Dismissal/Suspension/Disciplinary Action*)  
(cf. 4119.21/4219.21/4319.21 - *Professional Standards*)  
(cf. 4218 - *Dismissal/Suspension/Disciplinary Action*)

#### *Legal Reference:*

##### EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32282 *Comprehensive safety plan*

32283.5 *Bullying; online training*

35181 *Governing board policy on responsibilities of students*

35291-35291.5 *Rules*

48900-48925 *Suspension or expulsion*

48985 *Translation of notices*

52060-52077 *Local control and accountability plan*

##### PENAL CODE

422.55 *Definition of hate crime*

647 *Use of camera or other instrument to invade person's privacy; misdemeanor*



647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

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J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

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Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

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

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.common sense media.org>

National School Safety Center: <http://www.schoolsafety.us>

Partnership for Children and Youth: <https://www.partnerforchildren.org>

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: June 25, 2013 Alameda, California

revised: November 14, 2017

## **Student Dress Code**

### **Students**

BP 5132(a)

### **DRESS AND GROOMING**

The ~~Governing Board of Education~~ believes that:

- ~~All students should be able to dress comfortably for school without fear of or actual unnecessary discipline or body shaming.~~
- ~~An individual students' clothing/self-expression should not be regulated based upon another student or staff member's personal perspective or discomfort.~~
- ~~Staff can focus on their jobs without the additional and often uncomfortable burden of dress code enforcement.~~
- ~~Students should not face unnecessary barriers to school attendance.~~
- ~~Reasons for conflict and inconsistent discipline should be minimized whenever possible.~~

~~There are many purposes for policy governing student dress. The most important purposes include:~~

- ~~Maintain a safe appropriate dress and grooming contribute to a productive learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body protection), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).~~
- ~~Allow. The Board expects students to wear clothing of their choice that is comfortable~~
- ~~Allow students to suitable for the school activities in which they participate. Students shall not wear clothing that expresses their self-identified gender.~~
- ~~Allow students to wear religious attire without fear of discipline or discrimination.~~
- ~~Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.~~
- ~~Prevent students from wearing clothing with offensive images or language depicting or advocating violence or the use of alcohol or drugs.~~
- ~~Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.~~

~~presents a~~

~~The primary responsibility for a student's attire resides with the student and parents or guardians. The school district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student, and that student attire does not contribute to a hostile or intimidating atmosphere for any student hazard or is likely to cause a substantial disruption to the educational program.~~

~~Students (cf. 4119.22/4219.22/4319.22 - Dress and parents/guardians Grooming)~~

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

The informed about principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code at the beginning of the school year and whenever these standards are revised. The dress code should be clearly communicated, not just in the student handbook, but in shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 0415 - Equity)  
(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other ways including, but not limited to, annual instruction, posters, and newsletters staff shall be notified of appropriate and equitable enforcement of the dress code.

A student who violates the(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

When practical, students shall not be directed to correct a dress code shall be subject to appropriate violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

BP 5132(b)

## **DRESS AND GROOMING (continued)**

### **Gang-Related Apparel**

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code ~~may be included as part of the school safety plan and must shall~~ be presented to the Board ~~for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.~~

~~At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282) Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received, which=~~

### **Uniforms**

~~In order to promote student safety and discourage theft, peer rivalry and/or gang activity, a school may establish a reasonable dress code requiring students to wear uniforms. In schools where a schoolwide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183). Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students, school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)~~

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5136 - Gangs)*

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

### **Uniforms**

~~If a school's plan to require uniforms is adopted, the~~

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

The Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)35183)

~~At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)~~

~~This notice shall also inform parents/guardians of their right to have their child exempted.~~

~~The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.~~

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms ~~including:~~ (Education Code 35183)

- ~~1. Establishing criteria for determining eligibility for financial assistance when purchasing uniforms~~
- ~~2. Establishing a method for recycling or exchanging uniforms as students grow out of them~~

~~Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)~~

Legal Reference: (see next page)

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BP 5132(c)

## **DRESS AND GROOMING (continued)**

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

COURT DECISIONS

Jacobs v. Clark County School District, (2008) 26 F. 3d 419

Harper v. Poway Unified School District, (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Hartzell v. Connell, (1984) 35 Cal. 3d 899

*Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503*

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009~~ Alameda, California

revised: ~~July 6, 2018 (PILOT)~~

revised: \_\_\_\_\_ May ~~28~~, 2019

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- Allow students to wear clothing of their choice that is comfortable
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- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.
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- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.

The primary responsibility for a student's attire resides with the student and parents or guardians. The school district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student, and that student attire does not contribute to a hostile or intimidating atmosphere for any student.

Students and parents/guardians shall be informed about the dress code at the beginning of the school year and whenever these standards are revised. The dress code should be clearly communicated, not just in the student handbook, but in other ways including, but not limited to, annual instruction, posters, and newsletters.

A student who violates the dress code shall be subject to appropriate disciplinary action.

### **Gang-Related Apparel**

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang



presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

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### *Legal Reference:*

#### EDUCATION CODE

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

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49066 Grades; effect of physical education class apparel

#### COURT DECISIONS

*Jacobs v. Clark County School District*, (2008) 26 F. 3d 419

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*Marvin H. Jeglin et al v. San Jacinto Unified School District et al*, (C.D. Cal. 1993)  
827 F.Supp. 1459

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*Hartzell v. Connell*, (1984) 35 Cal. 3d 899

*Tinker v. Des Moines Independent Community School District*, (1969) 393 U.S. 503

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: July 6, 2018 (PILOT)

revised: May 28, 2019

revised:

**Gangs**

**Students**

BP 5136

**GANGS – Violence Prevention and Intervention**

The Governing Board of Education desires to keep district schools free from the threats or harmful influence of any groups ~~or gangs which~~who exhibit ~~drug use, violence or~~behavior disruptive ~~behavior to the school environment and/or the safety and well-being of students.~~ The Board additionally desires to provide support and intervention to students who are members of gangs to enable them to successfully disengage from gang involvement and be successful in school.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3513.4 - Drug and Alcohol Free Schools)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5137 - Positive School Climate)*

The Superintendent or designee shall develop strategies for gang prevention that address the reasons that students may become involved in gangs, including the identity, recognition, or status achieved as being part of a gang, protection from gang violence in the community, the need for companionship and an extended family, intimidation to join a gang, desire to join a gang to be in a position to intimidate others, and/or connection with criminal activity.

Gang violence prevention shall start as early as possible and include, but not be limited to, age-appropriate education that focuses on developing emotional and social competence, increasing prosocial peer bonds, strengthening attachment and commitment to school, and enhancing cooperative learning skills. Prevention shall also include improving parent/guardian involvement in and support for their children's academic progress, as well as ongoing gang awareness education for parents/guardians, including gang identifiers.

*(cf. 5020 - Parent Involvement)*

*(cf. 6164.2 - Guidance/Counseling Services)*

The Superintendent or designee shall take steps to deter gang activity on school campuses, including threats and intimidation of students and staff, recruitment or intimidation of students to join gangs, bullying, fighting, criminal activities, and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

*(cf. 5131.2 - Bullying)*

The Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the principal or designee and the student's parent/guardian.

(cf. 5132 - Dress and Grooming)

The Superintendent or designee shall provide ~~inservice~~in-service training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond

appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources. The Superintendent or designee shall also provide staff development on social and emotional learning, classroom management, interactive teaching, and cooperative learning skills.

~~The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. Age appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten.~~

~~To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian.~~

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee may consider gang activity prevention and intervention when developing programs outside of the school day.

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Preschool/Early Childhood Education)

(cf. 5148.3 - Before/After School Programs)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall collaborate with child welfare services, mental health agencies, social services, and local law enforcement authorities in the prevention and intervention of gang activity.

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

Legal Reference:

EDUCATION CODE

~~32282-32282~~ School safety plans

~~35183-35183~~ Gang-related apparel

~~41510-41514 School Safety Consolidated Competitive Grant~~

~~48907-48907~~ Student exercise of free expression

~~51264-48950~~ Student freedom of speech

~~51264~~ Educational ~~inservice~~in-service training; CDE guidelines

~~51265-51265~~ Gang violence and drug and alcohol abuse prevention ~~inservice~~*in-service* training  
~~51266-51266.5-51266-51266.5~~ Model gang and substance abuse prevention curriculum  
PENAL CODE  
~~186.22-186.22~~ Participation in criminal street gang

~~13826-13826.7~~ Gang violence suppression

~~13826-13826.7~~ Gang violence suppression  
UNITED STATES CODE, TITLE 20

~~7101-7184~~ Safe and Drug Free Schools and Communities Act

~~7101-7122~~ Student Support and Academic Enrichment Grants

#### Management Resources:

~~CDE~~LOS ANGELES POLICE DEPARTMENT PUBLICATIONS

~~On Alert:~~*Why Young People Join Gangs*

NATIONAL GANG CENTER PUBLICATIONS

Strategic Planning Tool

Gangs in Schools, March 2019

Parents' Guide to Gangs, July 2015

WEB SITES

California Cities Gang Prevention ~~in School and Inservice Guidelines, January 1994~~*Network:*  
<http://www.ccgpn.org>

#### CSBA PUBLICATIONS

~~Protecting Our Schools: Board~~California Department of Education ~~Strategies to Combat School Violence, 1995:~~ <https://www.cde.ca.gov/lr/ss/sa>

Gang Resistance Education and Training: <https://www.great-online.org/GREAT-Home>

Los Angeles Police Department, Gangs:

[http://www.lapdonline.org/get\\_informed/content\\_basic\\_view/1396](http://www.lapdonline.org/get_informed/content_basic_view/1396)

Homeboy Industries: <https://homeboyindustries.org>

National Gang Center: <https://www.nationalgangcenter.gov>

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA    MANUAL    MAINTENANCE  
SERVICE

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July 2019

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EDUCATION CODE

32282 School safety plans

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48907 Student exercise of free expression

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51264 Educational in-service training; CDE guidelines

51265 Gang violence and drug and alcohol abuse prevention in-service training

51266-51266.5 Model gang and substance abuse prevention curriculum

PENAL CODE

186.22 Participation in criminal street gang

13826-13826.7 Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7122 Student Support and Academic Enrichment Grants

*Management Resources:*

LOS ANGELES POLICE DEPARTMENT PUBLICATIONS

*Why Young People Join Gangs*

NATIONAL GANG CENTER PUBLICATIONS

Strategic Planning Tool

Gangs in Schools, March 2019

Parents' Guide to Gangs, July 2015

WEB SITES

California Cities Gang Prevention Network: <http://www.ccgpn.org>

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: November 10, 1996 Alameda, California

revised: August 25, 2009

revised:

**World/Foreign Language Instruction**

**Instruction**

**BP 6142.2**

**WORLD LANGUAGE INSTRUCTION**

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop linguistic-communicative and cultural proficiency and cultural literacy in one or more world languages ~~in addition to English.~~

The Superintendent or designee shall recommend a variety of world languages to be taught in the district's educational program based on student interest, community needs, and available resources. ~~He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language. American Sign Language courses shall be open to all students regardless of hearing status. (cf. 6174 - Education for English Learners)~~

For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)

If American Sign Language courses are offered, they shall be open to all students regardless of hearing status.

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

~~(cf. 6011- 6011 - Academic Standards)~~

~~(cf. 6141- 6141 - Curriculum Development and Evaluation)~~

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220) 51220)

~~(cf. 6143- 6143 - Courses of Study)~~

~~Students shall obtain credit toward high school graduation requirements for completion of a one-year course in a world language or American Sign Language during grades 9-12.~~

~~(cf. 5126 - Awards for Achievement)~~

~~(cf. 6146.1 - High School Graduation Requirements)~~

~~(cf. 6146.11 - Alternative Credits Toward Graduation)~~

The district may establish a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. ~~(Education Code 305-306)~~ (Education Code 305-306)

~~(cf. 6174 - Education for English Learners)~~

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

~~(cf. 1240-1240 - Volunteer Assistance)~~

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

~~(cf. 6161.11-6161.11 - Supplementary Instructional Materials)~~

~~(cf. 6163.1-6163.1 - Library Media Centers)~~

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, including communicative and cultural proficiency and understanding.

~~(cf. 4131-4131 - Staff Development)~~

Students shall obtain credit toward high school graduation requirements for completing one year of a world language or American Sign Language course during grades 9-12.

~~(cf. 6146.1 - High School Graduation Requirements)~~

~~(cf. 6146.11 - Alternative Credits Toward Graduation)~~

The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.

~~(cf. 5126 - Awards for Achievement)~~

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, whether the district's world language program is serving the grade levels required by law, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. ~~0500~~ 0500 - Accountability)

(cf. ~~6190~~ 6190 - Evaluation of the Instructional Program)

## Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~

~~adopted:~~

### Legal Reference:

#### EDUCATION CODE

300-310 Education for English learners

42238.02 Local control funding formula; class size requirements

44253.1-44253.11 Qualifications of teachers of English learners

44256-44257 Credential requirements, including teachers of world language

48980 Parental notifications

51212 Legislative intent to encourage world language instruction in grades 1-6

51220 Courses of study, grades 7-12

51225.3 High school graduation requirements

51243-51245 Alternative credits toward graduation for world language instruction in private school

60119 Public hearings, instructional materials

60605.3 Content standards for world language instruction

60605.5 Revision of state standards for world language instruction

#### CODE OF REGULATIONS, TITLE 5

1632 Alternative credits toward graduation for foreign language instruction in private school

11300-11316 Multilingual and English learner education

### Management Resources:

#### CSBA PUBLICATIONS

Proposition 58 Regulations, Fact Sheet, August 25, 2009 Alameda, 2018

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Multilingual FAQ

World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve

~~revised: November 14, 2017~~

California Spanish Assessment Fact Sheet, March 2019

World Languages Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2019

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017

#### CENTER FOR APPLIED LINGUISTICS PUBLICATIONS

Guiding Principles for Dual Language Education, Second Edition, 2007

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-622 Serving English Learners

#### NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

21st Century Skills Map: World Languages, January 2011

#### UNIVERSITY OF CALIFORNIA PUBLICATIONS

A-G Policy Resource Guide

#### WEB SITES

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

American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

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

California Department of Education, World Languages: <http://www.cde.ca.gov/ci/fl>  
California Language Teachers' Association: <http://www.clta.net>  
California World Language Project: <http://www.stanford.edu/group/CFLP>  
Center for Applied Linguistics: <http://www.cal.org>  
National Education Association, Partnership for 21st Century Skills:  
<http://www.nea.org/home/34888.htm>  
University of California, A-G Policy Resource Guide: <http://www.ucop.edu/agguide>

Policy  
adopted:

CSBA MANUAL MAINTENANCE SERVICE  
July 2019

**WORLD LANGUAGE INSTRUCTION**

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop communicative and cultural proficiency and literacy in one or more world languages.

The Superintendent or designee shall recommend a variety of world languages to be taught in the district's educational program based on student interest, community needs, and available resources.

For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)

If American Sign Language courses are offered, they shall be open to all students regardless of hearing status.

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

*(cf. 6143 - Courses of Study)*

The district may establish a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. (Education Code 305-306)

*(cf. 6174 - Education for English Learners)*

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*  
*(cf. 6163.1- Library Media Centers)*

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, including communicative and cultural proficiency and understanding.

*(cf. 4131 - Staff Development)*

Students shall obtain credit toward high school graduation requirements for completing one year of a world language or American Sign Language course during grades 9-12.

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*

The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.

*(cf. 5126 - Awards for Achievement)*

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, whether the district's world language program is serving the grade levels required by law, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

*(cf. 0500 - Accountability)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

*Legal Reference:*

**EDUCATION CODE**

*300-310 Education for English learners*  
*42238.02 Local control funding formula; class size requirements*  
*44253.1-44253.11 Qualifications of teachers of English learners*  
*44256-44257 Credential requirements, including teachers of world language*  
*48980 Parental notifications*  
*51212 Legislative intent to encourage world language instruction in grades 1-6*  
*51220 Courses of study, grades 7-12*  
*51225.3 High school graduation requirements*  
*51243-51245 Alternative credits toward graduation for world language instruction in private school*  
*60119 Public hearings, instructional materials*  
*60605.3 Content standards for world language instruction*  
*60605.5 Revision of state standards for world language instruction*  
**CODE OF REGULATIONS, TITLE 5**  
*1632 Alternative credits toward graduation for foreign language instruction in private school*

11300-11316 Multilingual and English learner education

Management Resources:

CSBA PUBLICATIONS

Proposition 58 Regulations, Fact Sheet, August 2018

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Multilingual FAQ

World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve

California Spanish Assessment Fact Sheet, March 2019

World Languages Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2019

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017

CENTER FOR APPLIED LINGUISTICS PUBLICATIONS

Guiding Principles for Dual Language Education, Second Edition, 2007

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California Language Teachers' Association: <http://www.clta.net>

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National Education Association, Partnership for 21st Century Skills:

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University of California, A-G Policy Resource Guide: <http://www.ucop.edu/agguide>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: November 14, 2017

revised:





## VISUAL AND PERFORMING ARTS EDUCATION

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall ~~provide opportunities for creation, performance, and appreciation of the arts~~ be designed to foster students' artistic competencies, cultivate students' appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to students' personal, academic, and professional endeavors, and support students to fully engage in lifelong arts learning.

(cf. ~~6143~~ 6143 - Courses of Study)

(cf. ~~6146.1~~ 6146.1 - High School Graduation Requirements)

The Board shall adopt academic standards for dance, media arts, music, theatre, and visual arts that lead to artistic literacy and promote access and equity in the arts. District standards shall describe the skills, knowledge, and abilities that students ~~shall be~~ expected to possess at each grade level. ~~The district's standards and~~ shall meet or exceed state standards ~~for each of these disciplines.~~

(cf. ~~6011~~ 0415 - Equity)

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop a sequential curriculum for dance, media arts, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following ~~strands~~ artistic processes:

1. ~~Artistic perception: processing, analyzing,~~ Creating: conceiving and responding to sensory information ~~developing new artistic ideas and work~~
2. Performing/producing/presenting: realizing artistic ideas and work through interpretation and presentation
3. Responding: understanding and evaluating how the use of language and skills unique to each arts discipline convey meaning
2. Creative expression: composing, arranging,
4. Connecting: relating artistic ideas and performing a work and using a variety of means to communicate with personal meaning and intent in one's own original work ~~external content~~
3. ~~Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline~~
4. ~~Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts~~
5. ~~Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers~~

(cf. ~~6141~~ 6141 - Curriculum Development and Evaluation)

The Board shall adopt standards-based instructional materials for visual and performing arts ~~in accordance with applicable law, Board policy, and administrative regulation,~~ which may incorporate a variety of media and technologies.

(cf. ~~0400~~ 0440 - District Technology Plan)

(cf. ~~1312.2~~ 1312.2 - Complaints Concerning Instructional Materials)

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

(cf. ~~6161.11~~ 6161.11 - Supplementary Instructional Materials)

(cf. ~~6161.3~~ 6161.3 - Toxic Art Materials)

(cf. ~~6162.6~~ 6162.6 - Use of Copyrighted Materials)

(cf. ~~6163.1~~ 6163.1 - Library Media Centers)

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BP 6142.6(b)

## **VISUAL AND PERFORMING ARTS EDUCATION (continued)**

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement ~~adopted instructional materials~~ the district's arts education program.

(cf. ~~4131~~ 4131 - Staff Development)

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

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

(cf. ~~1240~~ 1240 - Volunteer Assistance)

(cf. ~~1260~~ 1260 - Educational Foundation)

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

(cf. ~~3290~~ 3290 - Gifts, Grants and Bequests)

(cf. ~~6020~~ 6020 - Parent Involvement)

(cf. ~~6153~~ 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate the implementation of the district's arts education program at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

(cf. ~~0500~~ 0500 - Accountability)

(cf. ~~6162.5~~ 6162.5 - Student Assessment)

Legal Reference: (see next page)

BP 6142.6(c)

## VISUAL AND PERFORMING ARTS EDUCATION (continued)

### *Legal Reference:*

#### EDUCATION CODE

8950-8957 California summer school ~~of~~for the arts

32060-32066 Toxic art supplies

35330-35332 Field trips

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51225.3 Graduation requirements

58800-58805 Specialized secondary programs

60200-~~60210~~60213 Instructional materials, elementary schools

60400-60411 Instructional materials, high schools

99200-~~99206~~99204 Subject matter projects

### *Management Resources:*

CALIFORNIA ALLIANCE FOR ARTS EDUCATION PUBLICATIONS

Parents' Guide to the Visual and Performing Arts in California Public Schools

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Visual and Performing~~ California Arts Framework for ~~California~~ Public Schools, Kindergarten through Grade Twelve, 2004

~~Visual and Performing~~ California Arts ~~Content~~ Standards for Public Schools, Prekindergarten through Grade Twelve, January 2001-2019

Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001

### WEB SITES:

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

CSBA: <http://www.csba.org>  
 Arts Education Partnership: <http://aep-arts.org> <http://aep-arts.org>  
 California Alliance for Arts Education: <http://www.artsed411.org> <http://www.artsed411.org>  
 California Arts Council: <http://www.cac.ca.gov> <http://www.cac.ca.gov>  
 California Art Education Association: <http://www.caea-arteducation.org> <http://www.caea-arteducation.org>  
 California Association for Music Education: <http://www.actaonline.org/content/california-association-music-education>  
 California Dance Education Association: <http://www.cdeadance.org>  
<http://www.cdeadance.org>  
 California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>  
<http://www.cde.ca.gov/ci/vp>  
 California Educational Theatre Association: <http://www.cetoweb.org> <http://www.cetoweb.org>  
 California Music Educators Association: <http://www.calmusiced.com>  
<http://www.calmusiced.com>  
 The California Arts Project: <http://csmp.ucop.edu/tcap> <http://csmp.ucop.edu/tcap>

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~ CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~August 25, 2009 Alameda, California~~

revised: \_\_\_\_\_ May ~~13, 2014~~ 2019

**VISUAL AND PERFORMING ARTS EDUCATION**

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*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

The Board shall adopt academic standards for dance, media arts, music, theatre, and visual arts that lead to artistic literacy and promote access and equity in the arts. District standards shall describe the skills, knowledge, and abilities that students are expected to possess at each grade level and shall meet or exceed state standards.

*(cf. 0415 - Equity)*

*(cf. 6011 - Academic Standards)*

The Superintendent or designee shall develop a sequential curriculum for dance, media arts, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following artistic processes:

1. Creating: conceiving and developing new artistic ideas and work
2. Performing/producing/presenting: realizing artistic ideas and work through interpretation and presentation
3. Responding: understanding and evaluating how the arts convey meaning
4. Connecting: relating artistic ideas and work with personal meaning and external content

*(cf. 6141 - Curriculum Development and Evaluation)*

The Board shall adopt standards-based instructional materials for visual and performing arts which may incorporate a variety of media and technologies.

*(cf. 0440 - District Technology Plan)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

*(cf. 6163.1 - Library Media Centers)*

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*(cf. 4131 - Staff Development)*

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1260 - Educational Foundation)*

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

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6153 - School-Sponsored Trips)*

The Superintendent or designee shall regularly evaluate the implementation of the district's arts education program at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*Legal Reference:*

EDUCATION CODE

8950-8957 *California summer school for the arts*

32060-32066 *Toxic art supplies*

35330-35332 *Field trips*

51210 *Course of study, grades 1-6*

51220 *Course of study, grades 7-12*

51225.3 *Graduation requirements*

58800-58805 *Specialized secondary programs*

60200-60213 *Instructional materials, elementary schools*

60400-60411 *Instructional materials, high schools*

99200-99204 *Subject matter projects*

*Management Resources:*

CALIFORNIA ALLIANCE FOR ARTS EDUCATION PUBLICATIONS

Parents' Guide to the Visual and Performing Arts in California Public Schools

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Arts Framework for Public Schools, Kindergarten through Grade Twelve

California Arts Standards for Public Schools, Prekindergarten through Grade Twelve, January 2019

WEB SITES:

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

*California Art Education Association: <http://www.caea-arteducation.org>*  
*California Association for Music Education: <http://www.actaonline.org/content/california-association-music-education>*  
*California Dance Education Association: <http://www.cdeadance.org>*  
*California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>*  
*California Educational Theatre Association: <http://www.cetoweb.org>*  
*California Music Educators Association: <http://www.calmusiced.com>*  
*The California Arts Project: <http://csmp.ucop.edu/tcap>*

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: May 13, 2014

revised:



**Supplemental Instruction**

**Instruction**

**BP 6179**

**SUPPLEMENTAL INSTRUCTION**

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~~ 0460 - Local Control and Accountability Plan)  
(cf. ~~5113.1~~ 5113.1 - Chronic Absence and Truancy)  
(cf. ~~5147~~ 5147 - Dropout Prevention)  
(cf. ~~6011~~ 6011 - Academic Standards)  
(cf. ~~6146.1~~ 6146.1 - High School Graduation Requirements)  
(cf. ~~6146.5~~ 6146.5 - Elementary/Middle School Graduation Requirements)  
(cf. ~~6164.5~~ 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~~ 5148.2 - Before/After School Programs)  
(cf. ~~6111~~ 6111 - School Calendar)  
(cf. ~~6112~~ 6112 - School Day)  
(cf. ~~6142.7~~ 6142.7 - Physical Education and Activity)  
(cf. ~~6176~~ 6176 - Weekend/Saturday Classes)  
(cf. ~~6177~~ 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)~~

When determined to be necessary by the principal or designee and when written parent/guardian consent is obtained for the student's participation, 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.~~

Supplemental instruction shall be offered to students ~~in grades 2-9 who have been retained or who~~ are recommended for retention, or are identified as being at risk for retention, at their current grade level. ~~(Education Code 37252.2, 48070.5 48070.5)~~

~~(cf. 5121 - Grades/Evaluation of Student Achievement)~~

~~(cf. 5123 - 5123 - Promotion/Acceleration/Retention)~~

~~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.~~

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

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

~~(cf. 6162.51 - State Academic Achievement Tests)~~

In addition, supplemental instruction may be offered to:

~~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)~~

~~2.~~

1. Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards

~~(cf. 6142.6 - 6142.6 - Visual and Performing Arts Education)~~

~~(cf. 6142.7 - 6142.7 - Physical Education and Activity)~~

~~(cf. 6142.91 - 6142.91 - Reading/Language Arts Instruction)~~

~~(cf. 6142.92 - 6142.92 - Mathematics Instruction)~~

~~(cf. 6142.93 - 6142.93 - Science Instruction)~~

~~(cf. 6142.94 - History-Social Science Instruction)~~

~~3.~~

2. High school students who need support to successfully complete courses required for graduation

Legal Reference:

EDUCATION CODE

~~37200 - 37202 School calendar~~

~~37223 - 37200 - 37202 School calendar~~

~~37223 Weekend classes~~

~~37252 - 37254.1 Supplemental instruction, summer school~~

~~42238.01 - 42238.07 Local control funding formula~~

~~46100-42238.01-42238.5 Local control funding formula~~

~~46100 Length of school day~~

~~48070 48070.5 Promotion and retention~~

~~48200-48070-48070.6 Promotion and retention~~

~~48200 Compulsory education~~

~~48985-48985 Translation of notices~~

~~51210-51212-51210-51212 Courses of study, elementary schools~~

~~51220-51228-51220-51228 Courses of study, secondary schools~~

~~52060-52077-52060-52077 Local control and accountability plan~~

~~60603-60603 Definitions, core curriculum areas~~

~~60640-60649-60640-60649 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~~

~~11470-11472 Summer school~~

~~UNITED STATES CODE, TITLE 20~~

~~6311 State plan~~

Management Resources:

WEB SITES

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

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

Policy-~~ALAMEDA UNIFIED SCHOOL DISTRICT~~CSBA MANUAL MAINTENANCE  
SERVICE

adopted: ~~November 15, 2016 Alameda, California~~

July 2019

**SUPPLEMENTAL INSTRUCTION**

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, develop effective learning strategies, 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.

When determined to be necessary by the principal or designee and when written parent/guardian consent is obtained for the student's participation, a student may be required to participate in supplemental instruction outside the regular school day.

Supplemental instruction may be offered to students who are recommended for retention, or are identified as being at risk for retention, at their current grade level. (Education Code 48070.5)

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6162.51 - State Academic Achievement Tests)*

In addition, supplemental instruction may be offered to:

1. 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)

2. High school students who need support to successfully complete courses required for graduation

*Legal Reference:*

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

42238.01-42238.5 Local control funding formula

46100 Length of school day

48070-48070.6 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

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6311 State plan

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

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