

~~Local Control And Accountability Plan~~

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and ~~strategic plan to~~ facilitate continuous improvement of district practices.

~~(cf. 0000 - Vision)~~

~~(cf. 0000 - Vision)~~

~~(cf. 0200- 0200 - Goals for the School District)~~

~~(cf. 0415 - Equity)~~

~~(cf. 0415 - Equity)~~

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code ~~52060- 52060~~ and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. ~~(Education Code 52060, 52064; 5 CCR 15494-15497)~~ (Education Code 52060, 52064; 5 CCR 15494-15497)

~~(cf. 3100 - Budget)~~

~~(cf. 3100 - Budget)~~

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code ~~42238.01- 42238.01~~ for purposes of the local control funding formula (LCFF). ~~(Education Code 42238.02) 42238.02)~~

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

~~(cf. 6173.1- 6173.1 - Education for Foster Youth)~~

~~(cf. 6174- 6174 - Education for English Learners)~~

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students. ~~(Education Code 52052) 52052)~~

~~(cf. 6164.4- 6164.4 - Identification and Evaluation of Individuals for Special Education)~~

(cf. ~~6173~~ 6173 - Education for Homeless Children)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code ~~64001~~ 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code ~~52062~~ 52062)

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

BP 0460(b)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. ~~0400~~ 0400 - Comprehensive Plans)

(cf. ~~0440~~ 0440 - District Technology Plan)

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

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

(cf. ~~6171~~ 6171 - Title I Programs)

(cf. ~~7110~~ 7110 - Facilities Master Plan)

As part of the LCAP adoption and annual update to the LCAP, the Board shall separately adopt an LCFF budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (~~Education Code 52064.1~~) (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code ~~52075~~ 52075)

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

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant

student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (~~Education Code 52060; 5 CCR 15495~~) (Education Code 52060; 5 CCR 15495)

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

(cf. ~~4140/4240/4340~~ Bargaining Units)

(cf. 4140/4240/4340 - *Bargaining Units*)

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

BP 0460(c)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Public Review and Input

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above. (~~Education Code 52063; 5 CCR 15495~~) (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners to review and comment on the LCAP. (~~Education Code 52063; 5 CCR 15495~~) (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (~~Education Code 52062~~) 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code ~~48985~~ (~~Education Code 52062~~) 48985. (Education Code 52062)

(cf. ~~5145.6~~ 5145.6 - *Parental Notifications*)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners

and native English speakers, to have access to the core academic content standards and to become proficient in English. (~~Education Code 305-306~~) (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code ~~52062~~ 52062)

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

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed

BP 0460(d)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code ~~42127 and AR 3100 - Budget~~. (~~Education Code ~~42127, 52062~~ 42127 and AR 3100 - Budget~~. (Education Code 42127, 52062))

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

Adoption of the Plan

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code ~~52062~~ 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code ~~52062~~ 52062 and the revisions are adopted in a public meeting. (Education Code ~~52062~~ 52062)

Submission of Plan to County Superintendent of Schools

Not later than five days after adoption of the LCAP, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the budget, and the budget overview with the County Superintendent of Schools. (~~Education Code ~~42127, 52064.1, 52070~~ 42127, 52064.1, 52070~~) (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in

a public meeting within 15 days of receiving the recommendations. ~~(Education Code 52070)~~
52070)

If the County Superintendent does not approve the district's LCAP, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. ~~(Education Code 52071)~~

Monitoring Progress

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. ~~Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.~~

BP 0460(e)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

~~Technical Assistance/Intervention~~

~~At its discretion, the Board may submit a request to the County~~

~~The Superintendent ~~for or designee shall seek and/or accept~~ technical assistance, ~~including, but not limited to:~~ ~~(or other intervention that may be required pursuant to~~ Education Code 52071)~~

~~1. Assistance in identifying district strengths and weaknesses in regard to state priorities, which includes the review of performance data on the state and local indicators included in the Dashboard and other relevant local data, and in identifying effective, evidence-based programs or practices that address any areas of weakness.~~

~~2. Assistance from an academic, programmatic, or fiscal expert, or team of experts, in identifying and implementing effective programs and practices that are designed to improve performance in any identified areas of weakness. The district may engage other service providers, including, but not limited to, other or 52072 or 20 USC 6311 when a school districts, county offices of education, or charter schools, to provide such assistance.~~

~~In the event that the County Superintendent requires the district to receive technical assistance based on one or more or a numerically significant student subgroups meeting the criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent, or another service provider at district expense, and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071) subgroup is not making sufficient progress toward the goals in the LCAP.~~

~~If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)~~

~~If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)~~

~~1. Revision of the district's LCAP~~

~~2. Revision of the district's budget in accordance with changes in the LCAP~~

~~3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement~~

~~(cf. 0520 - Intervention for Underperforming Schools)~~

~~(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)~~

Legal Reference:

EDUCATION CODE

305-306 *English language education*

17002 *State School Building Lease-Purchase Law, including definition of good repair*

33430-33436 *Learning Communities for School Success Program; grants for LCAP implementation*

41020 *Audits*

41320-41322 *Emergency apportionments*

42127 *Public hearing on budget adoption*

42238.01-42238.07 *Local control funding formula*

44258.9 *County superintendent review of teacher assignment*

47604.33 *Submission of reports by charter schools*

47606.5 *Charter schools, local control and accountability plan*

48985 *Parental notices in languages other than English*

51210 *Course of study for grades 1-6*

51220 *Course of study for grades 7-12*

52052 *Numerically significant student subgroups*

52059.5 *Statewide system of support*

52060-52077 *Local control and accountability plan*

52302 *Regional occupational centers and programs*

52372.5 *Linked learning program*

54692 *Partnership academies*

60119 *Sufficiency of textbooks and instructional materials; hearing and resolution*

60605.8 *California Assessment of Academic Achievement; Academic Content Standards Commission*

64001 Single School *plan for student achievement*

99300-99301 *Early Assessment Program*

WELFARE AND INSTITUTIONS CODE

300 *Dependent child of the court*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*

15494-15497 *Local control and accountability plan and spending requirements*

UNITED STATES CODE, TITLE 20

6311 *State plan*

6312 *Local educational agency plan*

Management Resources: (see next page)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Management Resources:

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016

LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

Local Control and Accountability Plan and Annual Update (LCAP) Template

Family Engagement Framework: A Tool for California School Districts, 2014

California Career Technical Education Model Curriculum Standards, 2013

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

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

California School Dashboard: <http://www.caschooldashboard.org>

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

adopted: ~~February 11, 2014 Alameda, California~~

revised: ~~May 8, 2018~~

revised: ~~February 26,~~ October 2019

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0415 - Equity)

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

(cf. 3100 - Budget)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students. (Education Code 52052)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6173 - Education for Homeless Children)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

As part of the LCAP adoption and annual update to the LCAP, the Board shall separately adopt an LCFE budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

(cf. 1220 - Citizen Advisory Committees)
(cf. 4140/4240/4340 - Bargaining Units)
(cf. 6020 - Parent Involvement)

Public Review and Input

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners to review and comment on the LCAP. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

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

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

Adoption of the Plan

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

Submission of Plan to County Superintendent of Schools

Not later than five days after adoption of the LCAP, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. (Education Code 52071)

Monitoring Progress

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

The Superintendent or designee shall seek and/or accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072 or 20 USC 6311 when a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the LCAP.

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

Legal Reference:

EDUCATION CODE

305-306 *English language education*

17002 *State School Building Lease-Purchase Law, including definition of good repair*

33430-33436 *Learning Communities for School Success Program; grants for LCAP implementation*

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 60605.8 *California Assessment of Academic Achievement; Academic Content Standards Commission*
 64001 *School plan for student achievement*
 99300-99301 *Early Assessment Program*
WELFARE AND INSTITUTIONS CODE
 300 *Dependent child of the court*
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UNITED STATES CODE, TITLE 20
 6311 *State plan*
 6312 *Local educational agency plan*
 6826 *Title III funds, local plans*
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WEB SITES
 CSBA: <http://www.csba.org>
 California Department of Education: <http://www.cde.ca.gov>
 California School Dashboard: <http://www.caschooldashboard.org>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: February 11, 2014 Alameda, California

revised: May 8, 2018

revised: February 26, 2019

revised:

INTERVENTION FOR UNDERPERFORMING SCHOOLS

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

With the approval of the County Superintendent, the district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)

1. Revision of the district's LCAP

INTERVENTION FOR UNDERPERFORMING SCHOOLS

2. Revision of the district's budget, in conjunction with changes in the LCAP, that would allow the district to improve the outcomes for all student subgroups in regard to state and local priorities
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

In addition, any school identified by the California Department of Education for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

(cf. 0420 - School Plans/Site Councils)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

California School Dashboard: <http://www.caschooldashboard.org>

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

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
October 2019

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT

The Governing Board is committed to enabling all district students to meet state academic achievement standards. The district shall provide support and assistance to increase student achievement in all district schools, especially any school that has been identified by the California Department of Education (CDE) as in need of comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI).

(cf. 0500 - Accountability)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 6011 - Academic Standards)

(cf. 6171 - Title I Programs)

When any school is identified for CSI, TSI, or ATSI, the Superintendent or designee shall notify the school community, including the principal, teachers, and parent/guardians of students of the school, of the identification and, if applicable, shall inform the school of the student subgroup(s) which are consistently underperforming at the school.

School Plan

Upon receiving notification from CDE that a district school has been identified as eligible for CSI, TSI, or ATSI, the district shall, in partnership with principals, other school leaders, teachers, and parents/guardians, develop and implement a plan to improve student outcomes at the school. The plan shall: (20 USC 6311)

1. Be based on all state indicators in the California School Dashboard, including student performance against state-determined long-term goals, except that any school subject to the state's Dashboard Alternative School Status that has fewer than 100 students may focus on the state indicators that are more applicable to the nature of its program
2. Be based on a school-level needs assessment
3. Include evidence-based interventions
4. If the school is identified for CSI or ATSI, identify resource inequities, which may include a review of district and school-level budgets, to be addressed through implementation of the plan

(cf. 0400 - Comprehensive Plans)

The school plan for student achievement developed pursuant to Education Code 64001 may serve as the school improvement plan required for CSI, TSI, or ATSI, provided that the plan meets the requirements of 20 USC 6311. (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

The school improvement plan shall be submitted to the Board for approval. (20 USC 6311)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

If any district school is identified for CSI, the district's local control and accountability plan shall include descriptions of how the district provides support to CSI school(s) in developing the CSI plan and how the district will monitor and evaluate the implementation and effectiveness of the CSI plan to support student and school improvement.

(cf. 0460 - Local Control and Accountability Plan)

Monitoring and Intervention

The Board and the Superintendent or designee shall regularly review the performance of each school identified for CSI, TSI, or ATSI.

After two years of implementing the school plan, if any such school has been unsuccessful in improving student outcomes to a level that exceeds initial eligibility criteria, the district shall identify the problem and take additional action as necessary.

If a school identified for CSI fails to improve student outcomes within four years to a level that exceeds the CSI eligibility criteria, it shall be subject to more rigorous interventions that include, but are not limited to, partnering with an external entity, agency, or individual with demonstrated expertise and capacity to:

1. Conduct a new needs assessment that focuses on systemic factors and conduct a root cause analysis that identifies gaps between current conditions and desired conditions in student performance and progress
2. Use the results of the analysis along with stakeholder feedback to develop a new improvement plan that includes:
 - a. A prioritized set of evidence-based interventions and strategies
 - b. A program evaluation component with support to conduct ongoing performance and progress monitoring

Legal Reference: (see next page)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

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California School Dashboard: <http://www.caschooldashboard.org>

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

CSBA Sample

Board Policy

Visitors/Outsiders

BP- 1250 -

Community Relations

~~Visitors/Outsiders~~

The Governing Board of Education believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

(cf. ~~1240~~ 1240 - Volunteer Assistance)

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

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

***Note: In Reeves v. Rocklin Unified School District, a California Court of Appeal affirmed districts' authority to establish reasonable regulations for student safety and protection against disruptions on school campuses. ***

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

(cf. ~~6116~~ 6116 - Classroom Interruptions)

***Note: Penal Code 627.2 requires "outsiders" to register upon entering school grounds during school hours, and Penal Code 627.1 lists individuals who are not "outsiders" for this purpose; see the accompanying administrative regulation. Education Code 32212 authorizes the Governing Board to adopt policy to control classroom interruptions consistent with local circumstances (see AR 6116 - Classroom Interruptions) and Education Code 35160 authorizes the Board to act in any manner not inconsistent with law. Therefore, it appears that a district has the authority to require all visitors, including parents/guardians as well as those not defined as "outsiders" in Penal Code 627.1, to register upon entering school campus and to comply with other reasonable requirements. ***

***Note: Pursuant to Penal Code 627.1, media representatives are not "outsiders." However, the Attorney General has opined (95 Ops.Cal.Atty.Gen. 509 (1996)) that the Board may restrict media representatives' access in the same manner as access by the general public may be limited (e.g., registration or accompaniment by a staff member when on school grounds). Therefore, if

a district has developed a policy requiring all visitors or outsiders to register upon entering school grounds, then media may be subject to the same requirements; see BP 1112 - Media Relations. ***

Note: The following options may be revised to reflect district practice. Option 1 requires anyone who is not a student or staff member to register. Option 2 requires registration only for individuals who are not listed in Penal Code 627.1 (i.e., individuals who are "outsiders").

OPTION 1: Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

OPTION 2: All outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)

(cf. ~~1112~~ 1112 - Media Relations)

***Note: The remainder of this policy may be used by all districts. ***

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the ~~teacher~~teacher's and principal's permission. (Education Code ~~51512~~ 51512)

***Note: Pursuant to Education Code 35160, the Board is responsible for maintaining order in schools under its jurisdiction. Therefore, in accordance with law, the district may authorize school administrators to direct disruptive individuals to leave school grounds; see AR 3515.2 - Disruptions. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor. ***

***Note: The following optional paragraph should be modified to reflect district practice. ***

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code ~~626.7~~, 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. ~~1312.1~~ 1312.1 - Complaints Concerning District Employees)

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

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

(cf. ~~1312.4~~ 1312.4 - Williams Uniform Complaint Procedures)

(cf. ~~3515.2~~ 3515.2 - Disruptions)

Presence of Sex Offender on Campus

Note: Pursuant to Penal Code 626.81, registered sex offenders are prohibited from school buildings and grounds except for lawful business and with written permission. As amended by SB 326 (Ch. 279, Statutes of 2013), Penal Code 626.81 requires that the written permission indicate the date(s) for which permission is granted. It also authorizes the principal to grant permission to a registered sex offender who is not the parent/guardian of a student at the school to volunteer at the school, provided that the principal notify the parent/guardian of each student at the school; see AR 1240-Volunteer Assistance.

Note: In addition, pursuant to Education Code 49091.10 and 51101, parents/guardians, including those who are required to register as sex offenders, have a prescribed right to be involved in the education of their children. Thus, the district must adopt measures that are effective in maintaining a safe school environment while avoiding a violation of the statutory rights of such parents/guardians.

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

Legal Reference:

EDUCATION CODE

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

~~32211~~-32211 Threatened disruption or interference with classes; misdemeanor

~~32212~~-32212 Classroom interruptions

~~35160~~-35160 Authority of governing boards

~~35292~~-35292 Visits to schools (board members)

~~51512~~-49091.10 Parental right to inspect instructional materials and observe school activities

51101 Parent Rights Act of 2002

51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

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

LABOR CODE

~~230.8~~-230.8 Discharge or discrimination for taking time off to participate in child's educational activities

PENAL CODE

~~626~~-626.10 Schools

~~627-627.10-290~~ Sex offenders

626-626.10 Schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2-627.1 Definitions

627.2 Necessity of registration by outsider

627.7-627.7 Misdemeanors; punishment

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Policy ~~ALAMEDA UNIFIED SCHOOL DISTRICT~~

adopted: ~~September 28, 2010 Alameda, California~~

(7/10 3/12) 12/14

Visitors/Outsiders

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

(cf. 6116 - Classroom Interruptions)

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3515.2 - Disruptions)

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of governing boards
- 35292 Visits to schools (board members)
- 49091.10 Parental right to inspect instructional materials and observe school activities
- 51101 Parent Rights Act of 2002
- 51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

- 230.8 Discharge or discrimination for taking time off to participate in child's educational activities

PENAL CODE

- 290 Sex offenders
- 626-626.10 Schools
- 626.81 Misdemeanor for registered sex offender to come onto school grounds
- 627-627.10 Access to school premises, especially:
 - 627.1 Definitions
 - 627.2 Necessity of registration by outsider
 - 627.7 Misdemeanors; punishment

COURT DECISIONS

- Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

- 95 Ops.Cal.Atty.Gen. 509 (1996)

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: September 28, 2010 Alameda, California

revised:

CSBA Sample

Board Policy

Sale Or Lease Of District-Owned Real Property

BP- 3280 -

Business and Noninstructional Operations

~~***Note: Sale Or Lease Of District-Owned Real Property~~

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

~~***Note: When district properties are not being utilized for school purposes after specific time periods, Education Code 17219-17224 authorize the State Allocation Board (SAB) to charge an "unused site fee." For further information regarding non-use payments, see the Office of Public School Construction's Unused Site Program Handbook.***~~

~~***Note: Education Code 17455 authorizes the sale, or lease of up to 99 years, of any district real property together with any personal property located thereon without taking a vote of the electors of the district. To do so, the property must not or will not be needed by the district and the district must follow the procedures under Education Code 17387-17391.***~~

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

~~(cf. 1330- 1330 - Use of School Facilities)~~

~~(cf. 7110- 7110 - Facilities Master Plan)~~

~~(cf. 7111- 7111 - Evaluating Existing Buildings)~~

~~(cf. 7160 - Charter School Facilities)~~

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

~~***Note: Pursuant to Education Code 17387-17391, before surplus real property is sold or leased, the Governing Board must appoint an advisory committee to advise the Board on the disposition of such property. Education Code 17388 and 17391 establish exceptions from this requirement for rentals not exceeding 30 days and for the lease or rental of a district facility to a private educational institution for the purpose of offering summer school. In addition, Education Code 17391, as amended by AB 1157 (Ch. 717, Statutes of 2017), provides that an advisory committee need not be appointed prior to the sale, lease, or rental of excess real property if it is to be used for teacher or other employee housing.***~~

Note: Education Code 17389 requires that the advisory committee be representative of specific groups within the community and be composed of not less than seven nor more than 11 members (commonly referred to as a "7-11 committee"). See the accompanying administrative regulation for further information on the composition and duties of this committee.

The Board shall appoint a district advisory committee prior

(~~cf. 5148~~ - Child Care and Development)

(~~cf. 5148.2~~ - Before/After School Programs)

(~~cf. 5148.3~~ - Preschool/Early Childhood Education)

Prior to the sale or lease of any surplus real property, ~~the Board shall appoint a district advisory committee~~ to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. (~~Education Code 17388~~) Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution, the Board may elect not to appoint a district advisory committee. (Education Code 17387-17391)

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

Note: Pursuant to Government Code 65402, if the county or city has adopted a general plan which is applicable in the area where the district property is located, the district must notify the county or city planning agency of the location, purpose, and extent of the proposed disposition of district property so that the agency can determine and report on the extent to which the disposition conforms with the local planning agency's general plan. The planning agency has 40 days during which it may raise objections. If objections are not raised within 40 days, the lack of response is deemed to be a finding that the district's proposed disposition of the property is in conformity with the local planning agency's adopted general plan.

If the local planning agency has adopted a general plan that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

Note: When proposing the sale or lease of surplus property, the district must also comply with Public Resources Code 21000-21177 (the California Environmental Quality Act) (CEQA), when applicable. Pursuant to 14 CCR 15061, the sale or lease of property is exempt from detailed CEQA review if there is no possibility that the sale or lease will have a significant environmental effect. In such cases, the district must adopt a notice of exemption in accordance with 14 CCR 14062.

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

Note: When a district is selling any surplus property or leasing it with an option to purchase, Education Code 17464 lists the public entities that must be given priority to lease or purchase the property and the types of notice that the district must provide such entities before disposing of the property. Under certain circumstances, districts may also need to comply with the Naylor Act (Education Code 17485-17500), which requires that priority be given to public agencies when disposing of any district property that includes a playground, playing field, or land with an outdoor recreational purpose. Under certain conditions, the district may grant priority to licensed child care providers pursuant to Education Code 17458 or may sell surplus property for less than fair market value to public entities for recreational purposes pursuant to Education Code 17230. The requirement to first offer surplus property to a charter school with a projected in-district average daily attendance of at least 80 students expired July 1, 2016 pursuant to the terms of Education Code 17457.5.

When selling or leasing district real property, the Board shall comply with the priorities and procedures specified in applicable law. (Education Code 17230, 17464, 17485-17499; Government Code 54222)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to Education Code 17462.3, the SAB may require a district selling real property purchased, improved, or modernized with funds received from a state school facilities funding program to return those funds if: (1) the state funds were received and the property purchased or improved within the previous 10 years; (2) the proceeds from the sale are not used for capital outlay; and (3) the property is not sold to a charter school, another school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services.

In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a state school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

Resolution of Intention to Sell or Lease

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

(cf. 9320 - Meetings and Notices)
(cf. ~~9323.2~~ 9323.2 - Actions by the Board)

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

~~The~~

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

Acceptance/Rejection of Bids

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

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

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

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

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

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

Use of Proceeds

***Note: Pursuant to Education Code 17462, the proceeds derived from the sale of surplus property or lease with an option to purchase must generally be used for capital outlay or

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

Note: The law does not place limitations on the use of proceeds for a lease of surplus property that does not include an option to purchase.

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

~~(cf. 3100 - Budget)~~

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

~~Pursuant to the authorization in Education Code 17463.7, the district may expend proceeds from the sale or lease with an option to purchase of surplus real district property, along with the proceeds from any personal property located on that real property, are used for any one-time expenditures and not for ongoing expenditures such as salaries and general fund purpose(s). Prior to exercising this authority, the Board shall certify to the State Allocation Board that: operating expenses. (Education Code ~~17463.7~~ 17462)~~

~~1. The~~

~~Proceeds from a sale of surplus district has no major deferred maintenance requirements not covered by existing property shall be used for capital outlay resources.~~

~~(cf. 3111 - Deferred Maintenance Funds)~~

~~2. The sale of real property pursuant to or maintenance costs that the Board determines will not recur within a five-year period. (Education Code 17463.7 does not violate the provisions 17462)~~

~~Proceeds from a lease of a local bond act.~~

~~(cf. 7214 - General Obligation Bonds)~~

~~3. The real district property is not suitable to meet projected school construction needs with an option to purchase may be deposited into a restricted fund for the next 10 years.~~

~~Prior to exercising this authority, routine repair of district facilities, as defined by the Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations SAB, for the district up to a five-year period. (Education Code 17463.7) 17462)~~

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

If the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. Proceeds from the sale or lease with option to purchase of district property may also be deposited in a special reserve fund for capital outlay or maintenance costs of district property that the Board determines will not recur within a five-year period. (Education Code 17462)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Legal Reference:

EDUCATION CODE

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

~~17230-17234~~ Surplus property

~~17385-17230-17234~~ Surplus property

17385 Conveyances to and from school districts

~~17387-17391~~ 17387-17391 Advisory committees for use of excess school facilities

~~17400-17429~~ Leasing property

~~17430-17447~~ Leasing facilities

~~17453-17400-17429~~ Leasing property

~~17430-17447~~ Leasing facilities

17453 Lease of surplus district property

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

~~17463.7~~ Proceeds for general fund purposes

~~17485-17500~~ 17462.3 State Allocation Board program to reclaim funds

17485-17500 Surplus school playground (Naylor Act)

~~17515-17526~~ Joint occupancy

~~17527-17535~~ 17515-17526 Joint occupancy

~~17527-17535~~ Joint use of district facilities

~~33050~~ Request for waiver

38130-38139 Civic Center Act

33050 Requ

38130-38139 Civic Center Act

GOVERNMENT CODE

54220-54232 Surplus land, especially:

54222-50001-50002 Definitions

54220-54232 Surplus land, especially:

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952-54950-54963 Brown Act, especially:

54952 Legislative body, definition

PUBLIC RESOURCES CODE

21000-21177-21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2

1700-1700 Definitions related to surplus property

COURT DECISIONS

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

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

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OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, ~~May 2008~~December 2015

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

California Department of Education, School Facilities Planning

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

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

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

revised: May 8, 2012

(7/11 4/14) 10/17

Sale Or Lease Of District-Owned Real Property

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

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

The Board shall appoint a district advisory committee prior to the sale or lease of any surplus real property to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution, the Board may elect not to appoint a district advisory committee. (Education Code 17387-17391)

(cf. 1220 - Citizen Advisory Committees)

If the local planning agency has adopted a general plan that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

When selling or leasing district real property, the Board shall comply with the priorities and procedures specified in applicable law. (Education Code 17230, 17464, 17485-17499; Government Code 54222)

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

In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a state school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

Resolution of Intention to Sell or Lease

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

(cf. 9320 - Meetings and Notices)

(cf. 9323.2 - Actions by the Board)

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

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

Acceptance/Rejection of Bids

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

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

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

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and

compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)

Use of Proceeds

The Superintendent or designee shall ensure that the proceeds from the sale or lease with an option to purchase of surplus district property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462)

Proceeds from a sale of surplus district property shall be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. (Education Code 17462)

Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period. (Education Code 17462)

If the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. Proceeds from the sale or lease with option to purchase of district property may also be deposited in a special reserve fund for capital outlay or maintenance costs of district property that the Board determines will not recur within a five-year period. (Education Code 17462)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Legal Reference:

EDUCATION CODE

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

17230-17234 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17400-17429 Leasing property

17430-17447 Leasing facilities

17453 Lease of surplus district property

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

17462.3 State Allocation Board program to reclaim funds

17485-17500 Surplus school playground (Naylor Act)

17515-17526 Joint occupancy

17527-17535 Joint use of district facilities

33050 Requ

38130-38139 Civic Center Act

GOVERNMENT CODE

50001-50002 Definitions

54220-54232 Surplus land, especially:

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952 Legislative body, definition

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2

1700 Definitions related to surplus property

COURT DECISIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, December 2015

WEB SITES

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

California Department of Education, School Facilities Planning Division:

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

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: May 8, 2012

revised:

~~Probationary/Permanent Status~~

~~Probationary Status~~

~~Probationary~~ **Certificated Personnel**

BP 4116(a)

PROBATIONARY/PERMANENT STATUS

The Governing Board desires to employ and retain highly qualified certificated personnel to implement the district's educational program. Newly hired certificated personnel shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

Certificated employees who satisfactorily complete the probationary period shall be granted permanent status.

OPTION 1: (Districts of 250 ADA or more, and districts with less than 250 ADA whose Board has elected to dismiss probationary employees during the school year pursuant to Education Code 44948.2 and 44948.3)

A probationary employee who has been employed by the district in position(s) requiring certification for two complete consecutive school years and is then reelected for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21, 44929.23)

OPTION 2: (Districts with less than 250 ADA that grant permanent status after three years)

A probationary employee who has been employed by the district in a position(s) requiring certification for three complete consecutive school years and is then reelected for the next succeeding school year shall become a permanent employee at the beginning of the fourth year. (Education Code 44929.23)

During the probationary period, employees shall receive ~~training, professional development and assistance and evaluations consistent with their needs as new teachers. Such training and assistance~~ **which** may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

(cf. 4131 - Staff Development)

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

~~Permanent Status~~

~~Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932 44988)~~

(cf. 4115 - Evaluation/Supervision)

Dismissal/Nonrelection of Probationary Employees

During the school year, a probationary employee may be suspended or dismissed only for cause and in accordance with district procedures. (Education Code 44948.3)

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

BP 4116(b)

PROBATIONARY/PERMANENT STATUS (continued)

With proper notice, the Board may, without cause, elect not to reemploy a probationary employee for the subsequent year. (Education Code 44929.21, 44929.23)

(cf. 4117.3 - Personnel Reduction)

The Superintendent or designee shall annually provide the Board with recommendations regarding the reelection or nonreelection of probationary certificated personnel for the ensuing school year.

At any time during a probationary employee's first year of employment in the district, the Board may give written notice to the employee of the Board's decision not to reelect the employee for a second school year. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

During the final year of the probationary period, the Board may decide not to reelect the employee for the following year, and shall so notify the employee in writing on or before March 15. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44948.5)

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

Such notices shall be delivered through personal service upon the employee, certified mail with return receipt, email, or another method which documents actual receipt of the notice by the employee.

Legal Reference: (see next page)

PROBATIONARY/PERMANENT STATUS (continued)*Legal Reference:***EDUCATION CODE**

44466-44466 Status of university interns

44850.1-44850.1 No tenure in administrative or supervisory position

44885.5-44885.5 Status of district interns

44908-44908 Complete year for probationary employees

44911-44913-44909 Classification of certificated employees in categorically funded projects

44910-44913 Service not computed in eligibility for permanent status

44915-44915 Classification of probationary employees

44917-44921-44917-44921 Status of substitute or temporary employees

44929.20-44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21-44929.21 Districts of 250 ADA or more

44929.23-44929.23 Districts with less than 250 ADA

44929.28-44929.28 Employment by another district

44930-44988-44930-44988 Resignations, dismissals and leaves of absence, especially:

44948.2-44948.2 Election to use provisions of Section 44948.3

44948.3-44948.3 Dismissal of probationary employees

44948.5 Nonreelection procedures, districts under 250 ADA

44949 Cause, notice and right to hearing required for dismissal of probationary employee

44955 Reduction in number of permanent employees

COURT DECISIONS

Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 203 Cal. App. 4th 1552

Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69

California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146

Hoschler v. Sacramento City Unified School District (2007) 149 Cal. App. 4th 258

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App.4th 87

Bellflower Education Assn. v. Bellflower Unified School District (1991) 228 Cal.App.3d 805

Fontana Teachers Assn. v. Fontana Unified School District (1988) 201 Cal.App.3d 1517

Grimsley v. Board of Trustees (1987) 189 Cal.App.3d 1440

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(cf. 4131 - Staff Development)

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44910-44913 Service not computed in eligibility for permanent status

44915 Classification of probationary employees

44917-44921 Status of substitute or temporary employees

44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21 Districts of 250 ADA or more

44929.23 Districts with less than 250 ADA

44929.28 Employment by another district

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

All Personnel

BP 4119.22(a)

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. ~~4119.21/4219.21/4319.21~~ - 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~~The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

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 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~~838

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~~CSBA MANUAL MAINTENANCE
SERVICE

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

October 2019

revised:

All Personnel

BP 4119.22

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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: October 17, 2019

revised:

Probationary/Permanent Status

~~Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district.~~ **Classified Personnel** BP 4216

PROBATIONARY/PERMANENT STATUS

The Governing Board desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The ~~Superintendent or designee~~ district may, without cause, dismiss ~~ana new~~ employee during the ~~initial~~ probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed ~~one year of service in that position~~ the probationary period.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which ~~he/she~~ the employee was promoted. ~~(Education Code 45113)~~ 45113)

This policy shall be made available to classified employees and the public. ~~(Education Code 45113)~~ 45113)

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

Legal Reference:

EDUCATION CODE

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

~~45240-45320~~ *Merit system*

~~45240-45320~~ *Merit system*

Management Resources:

WEB SITES

California School Employees Association: ~~<http://www.csea.org>~~ <http://www.csea.org>

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

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

October 2019

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A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

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A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which the employee was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

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

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

45240-45320 Merit system

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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/or 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. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)*
- (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 Serious Disciplinary Proceedings

If a permanent classified employee receives a notice from the Superintendent or designee of a recommended shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or dismissal, other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

After meeting with the employee ~~may~~ or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing. The notice shall include a statement advising the employee of the right to 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~~allegations may be made orally at the hearing and shall be noted on the record.

BP 4218(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Following the hearing ~~or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action,~~ the Board shall affirm, modify, or reject the ~~disciplinary action recommended by the Superintendent or designee~~disciplinary action. 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~~In lieu of holding a Board hearing on the sufficiency of the causes for disciplinary action, the Board may delegate its authority to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board retains the authority to review the determination and to adopt or reject the recommended decision. (Education Code 45113)

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. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Legal Reference: (see next page)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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

Skelly v. State Personnel Board (1975) 15 Cal. 3d 194

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE

~~July~~October 2019

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, or 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. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)*
- (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 Serious Disciplinary Proceedings

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing. The notice shall include a statement advising the employee of the right to 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. (Education Code 45113, 45312)

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 allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. 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 lieu of holding a Board hearing on the sufficiency of the causes for disciplinary action, the Board may delegate its authority to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board retains the authority to review the determination and to adopt or reject the recommended decision. (Education Code 45113)

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. In such cases, 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
Skelly v. State Personnel Board (1975) 15 Cal. 3d 194

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: October 17, 2019 Alameda, California

revised:

CSBA Sample

Board Policy

Contracts

BP- 4312.1 -

Personnel

~~***Note: Contracts~~

~~The following optional policy addresses employment contracts for individuals occupying certificated and classified administrative, supervisory, and management positions. For policy language regarding superintendent contracts, see BP 2121 - Superintendent's Contract. ***~~

~~The Governing Board of Education recognizes the importance of attracting and retaining employing qualified administrative and supervisory personnel and competent individuals to help the manage district programs and to assist the Superintendent in coordinating efforts to achieve its district goals for student learning and objectives. To that end, the Board may employfill certificated administrative and supervisory personnelpositions and classified senior management of the classified staffpositions on a contract basis.~~

~~(cf. 0000 - Vision)~~

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

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

~~(cf. 4300 - Administrative and Supervisory Personnel)~~

~~(cf. 4313.2 - Demotion/Reassignment)~~

~~(cf. 4314 - Transfers)~~

~~***Note: Education Code 35031 authorizes continuing contracts, as specified below, for any deputy, associate, or assistant superintendent in a position requiring certification qualifications. Pursuant to Education Code 35030, the title of deputy, associate, or assistant superintendent may be assigned to a business management position. ***~~

~~The Board may offer a continuing contract of up to four years to any deputy, associate, chief, or assistant superintendent; any certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified service. (Education Code 35031, 44929.20)~~

~~Prior to entering into any such contract, the Board and Superintendent shall consider the financial and impact of the contract on the district. The proposed contract shall also be reviewed by legal implications of counsel to ensure that all legally required provisions are included in the contract in order to protect the district from and to address any potentially adverse obligations for the district.~~

~~The Board may offer a deputy, associate, or assistant superintendent, or any other person holding a position requiring a supervision or administrative credential, a continuing contract for a period longer than one year but not to exceed four years. (Education Code 35031, 44929.20)~~

~~All contracts shall be ratified by the Board during an open session of a Board meeting and—
(cf. 3460 - Financial Reports and Accountability)~~

***Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of any employee may appropriately be discussed in closed session under the "personnel exception." However, Government Code 54957 prohibits the use of closed session for discussion or action on any proposed change in compensation other than a reduction that results from the imposition of discipline. In San Diego Union v. City Council, a California Court of Appeal held that the "personnel exception" provided in Government Code 54957 does not extend to discussions of salary and compensation. ***

***Note: Notwithstanding Government Code 54957, the Governing Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees. The Attorney General has opined in 57 Ops.Cal.Atty.Gen. 209 (1974) that a board may only meet in closed session under the labor exception with a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication The Brown Act: Open Meetings for Local Legislative Bodies also states that the "labor exception" applies to meeting in closed session to instruct its representatives concerning negotiations with prospective employees. Boards wishing to discuss salary of administrative personnel in closed session under the "labor exception" are encouraged to consult legal counsel before doing so. ***

***Note: In addition, pursuant to Government Code 54956, the Board is prohibited from deliberating on the salary or other compensation of an employee at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas. ***

***Note: The following paragraph should be revised to reflect district practice. ***

The Board may deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, **chief**, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. Discussions regarding salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception") for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the employee. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

***Note: Pursuant to Government Code 54953, as amended by SB 1436 (Ch. 175, Statutes of 2016), the Board must orally report, in an open session, a summary of the recommendation for final action on the salary and/or benefits of a "local agency executive," as defined in Government Code 3511.1, including a deputy, associate, or assistant superintendent; a department head; and any other person whose position within the district is established through an employment contract with the district. Thus, Government Code 54953 limits the Board's ability to approve changes to salary or benefits as part of a consent calendar and instead requires such approval to be a separate agenda item. For identical requirements regarding final action on the salary or benefits of the Superintendent, see BP 2121 - Superintendent's Contract. ***

The Board shall take final action on an employment contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of ~~the contracts~~any contract and other public records created or received in the process of developing the recommendation related to the salary, benefits, and other compensation shall be available to the public upon request. (~~Education Code 35031; Government Code 53262~~). (Government Code 53262, 54953)

(cf. 1340 - Access to District Records)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9324 - Minutes and Recordings)

Extension of Contract/Reemployment

***Note: The following optional paragraph provides that any contract extension be based on Board action rather than automatic "rollover" or "evergreen" provisions. Government Code 3511.2 prohibits the automatic renewal of a contract with a provision for automatic increase that exceeds the cost-of-living adjustment. ***

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance. ~~No employment contract shall include a provision for automatic renewal of the contract.~~

(cf. 4315 - Evaluation/Supervision)

During the term of the contract and with the consent of the employee ~~involved~~, the Board may ~~reelect or reemploy, effective the employee starting~~ on the next succeeding first day of July, ~~a deputy, associate, or assistant superintendent~~ and ~~reelect/reemploy him/her on those~~based on terms and conditions mutually agreed upon by the Board and the employee ~~for a new term to begin on the effective date of the termination of the existing term of employment.~~ (Education Code ~~35031~~). 35031)

If the Board decides not to reelect or reemploy a deputy, associate, chief, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing, per the terms of the contract. 45 calendar days prior to the expiration of the term of the contract. (Education Code ~~35031~~ 35031)

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

Termination of Contract

The Board may terminate an employment contract prior to its expiration date in accordance with the conditions and process specified in the contract.

***Note: Pursuant to Government Code 53260-53264, employment contracts must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the unexpired term of the contract. If the unexpired term is greater than 18 months, this maximum is equal to the monthly salary times 18. Cash settlements may be less than these caps. The cash settlement may not include any noncash items other than health benefits, which may be continued for the unexpired term up to 18 months or until the employee finds other employment, whichever occurs first. The district must make copies of termination agreements available to the public upon request. For language reflecting these requirements, see AR 4117.5/4217.5/4317.5 - Termination Agreements. ***

Every employment contract shall include a provision specifying the legal maximum cash settlement that the employee may receive ~~upon termination of~~ in the event that the contract is terminated prior to its expiration date. (Government Code ~~53260~~ 3511.2, 53260)

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

In addition, all employment contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of his/her office or position, he/she shall fully reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination and for any funds expended by the district in his/her criminal legal defense. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

~~35030~~ 35030 Title of deputy, associate or assistant superintendent for certain positions

~~35031~~ 35031 Term of employment

~~44842~~ 44842 Automatic declining of employment

~~44843~~ 44843 Notice of employment to county superintendent

~~44929.20~~ 44929.20 Continuing contract

~~44951~~ 44951 Continuation in position unless notified

GOVERNMENT CODE

~~53260~~ 53264 Employment contracts

54954-3511.1-3511.2 Local agency executives
53260-53264 Employment contracts
54953 Oral summary of recommended salary and benefits of district executive
54954 Time and place of regular meetings
54957-54956 Brown Act - Open meeting laws; special meetings
54957 Closed session, personnel matters
ATTORNEY GENERAL OPINIONS
57 Ops.Cal.Atty.Gen. 209 (1974)

Management Resources:

CSBA ATTORNEY GENERAL PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2007

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California Office of the Attorney General: <http://oag.ca.gov>

(7/07 3/12) 5/17

Contracts

The Governing Board recognizes the importance of employing qualified and competent individuals to manage district programs and to assist the Superintendent in coordinating efforts to achieve district goals and objectives. To that end, the Board may fill certificated administrative and supervisory positions and classified senior management positions on a contract basis.

- (cf. 0000 - Vision)
- (cf. 2121 - Superintendent's Contract)
- (cf. 4111/4211/4311 - Recruitment and Selection)
- (cf. 4300 - Administrative and Supervisory Personnel)
- (cf. 4313.2 - Demotion/Reassignment)
- (cf. 4314 - Transfers)

The Board may offer a continuing contract of up to four years to any deputy, associate, chief, or assistant superintendent; any certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified service. (Education Code 35031, 44929.20)

Prior to entering into any such contract, the Board and Superintendent shall consider the financial impact of the contract on the district. The proposed contract shall also be reviewed by legal counsel to ensure that all legally required provisions are included in the contract and to address any potentially adverse obligations for the district.

- (cf. 3460 - Financial Reports and Accountability)

The Board may deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, chief, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. Discussions regarding salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception") for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the employee. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

- (cf. 9320 - Meetings and Notices)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

The Board shall take final action on an employment contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on salary or compensation in the form of fringe benefits.

(Government Code 3511.1, 53262, 54953)

Copies of any contract and other public records created or received in the process of developing the recommendation related to the salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

(cf. 1340 - Access to District Records)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9324 - Minutes and Recordings)

During the term of the contract and with the consent of the employee involved, the Board may reelect or reemploy the employee starting on the next succeeding first day of July and based on terms and conditions mutually agreed upon by the Board and the employee. (Education Code 35031)

If the Board decides not to reelect or reemploy a deputy, associate, chief, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing, per the terms of the contract. (Education Code 35031)

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

Termination of Contract

The Board may terminate an employment contract prior to its expiration date in accordance with the conditions and process specified in the contract.

Every employment contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the contract is terminated prior to its expiration date. (Government Code 3511.2, 53260)

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

In addition, all employment contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of his/her office or position, he/she shall fully reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination and for any funds expended by the district in his/her criminal legal defense. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35030 Title of deputy, associate or assistant superintendent for certain positions

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44843 Notice of employment to county superintendent

44929.20 Continuing contract

44951 Continuation in position unless notified

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

53260-53264 Employment contracts

54953 Oral summary of recommended salary and benefits of district executive

54954 Time and place of regular meetings

54956 Brown Act - Open meeting laws; special meetings

54957 Closed session, personnel matters

ATTORNEY GENERAL OPINIONS

57 Ops.Cal.Atty.Gen. 209 (1974)

Management Resources:

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

CSBA Sample

Board Policy

Staff Development

BP- 4331 -

Personnel

~~Staff Development~~

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

The ~~Governing~~ Board of Education recognizes that professional development ~~opportunities-~~ ~~enhance~~ enhances employee effectiveness and ~~contribute~~ contributes to personal growth. Staff development for ~~management, administrative and~~ management, administrative and supervisory ~~and confidential~~ personnel shall be designed to guide ~~instructional~~ institutional improvement, build leadership skills, and enhance overall management efficiency.

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

***Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The district's staff development program should be aligned with its priorities and goals as outlined in the LCAP and other applicable district and school plans. ***

The Superintendent or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of district students and staff and is aligned to the district's vision, goals, local control and goals. ~~The Board desires that all administrators participate in planning activities that are pertinent to their specific areas of responsibility~~ accountability plan, and other comprehensive plans.

~~Within budget parameters,~~

(cf. 0000 - Vision)

(cf. 0200 - Goals for the Superintendent or designee may approve participation in activities that will benefit individual School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

***Note: Pursuant to Education Code 44517, the state's Administrator Training Program self-repealed on January 1, 2013. Funding for that program has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the content of the district's staff development program for administrators and enhance their contributions may be adapted to the meet district needs. Items #1-10 below are optional. ***

The district's staff development program for district and school administrators may include, but is not limited to, the following topics:

1. Personnel management, including best practices on hiring, recruitment, assignment, and retention of staff

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

(cf. 4113 - Assignment)

2. Effective fiscal management and accountability practices

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

3. Academic standards and standards-aligned curriculum and instructional materials

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

4. Leadership training to improve the academic achievement of all students, including capacity building in pedagogies of learning, instructional strategies that meet the varied learning needs of students, and student motivation

5. The use of student assessments, including analysis of disaggregated assessment results to identify needs and progress of student subgroups

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

6. The use of technology to improve student performance and district operations

(cf. 0440 - District Technology Plan)

7. Creation of safe and inclusive school environments

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

(cf. 5137 - Positive School Climate)

8. Parental involvement and community collaboration

(cf. 1240 - Volunteer Assistance)
(cf. 6020 - Parent Involvement)

9. Employee relations

10. Effective school and district planning processes

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

(cf. 4315 - Evaluation/Supervision)

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44510-44517 Principal training program

44681-44689.2-44681-44689.2 Administrator training and evaluation

60119 Instructional materials funds

52060-52077 Local control and accountability plan

Management Resources:

CDE WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS
PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

CTC: <http://www.ctc.ca.gov>

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

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

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

California School Leadership Academy: <http://www.csla.org> <http://www.csla.org>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

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

WestEd: <http://www.wested.org>

(10/98 11/01) 12/13

Staff Development

The Governing Board recognizes that professional development enhances employee effectiveness and contributes to personal growth. Staff development for administrative and supervisory personnel shall be designed to guide institutional improvement, build leadership skills, and enhance overall management efficiency.

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

The Superintendent or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of district students and staff and is aligned to the district's vision, goals, local control and accountability plan, and other comprehensive plans.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

The district's staff development program for district and school administrators may include, but is not limited to, the following topics:

1. Personnel management, including best practices on hiring, recruitment, assignment, and retention of staff

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

(cf. 4113 - Assignment)

2. Effective fiscal management and accountability practices

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

3. Academic standards and standards-aligned curriculum and instructional materials

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

4. Leadership training to improve the academic achievement of all students, including capacity building in pedagogies of learning, instructional strategies that meet the varied learning needs of students, and student motivation

5. The use of student assessments, including analysis of disaggregated assessment results to identify needs and progress of student subgroups

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

6. The use of technology to improve student performance and district operations

(cf. 0440 - District Technology Plan)

7. Creation of safe and inclusive school environments

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

(cf. 5137 - Positive School Climate)

8. Parental involvement and community collaboration

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

9. Employee relations

10. Effective school and district planning processes

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

(cf. 4315 - Evaluation/Supervision)

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44681-44689.2 Administrator training and evaluation

52060-52077 Local control and accountability plan

Management Resources:

WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS
PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

Association of California School Administrators: <http://www.acsa.org>
California Department of Education: <http://www.cde.ca.gov>
California School Leadership Academy: <http://www.csla.org>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
WestEd: <http://www.wested.org>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

~~Safety~~

Students

BP 5142(a)

SAFETY

The ~~Governing Board of Education~~ recognizes the importance of providing a safe school environment that is conducive to learning and ~~helps ensure~~promotes student safety and ~~the prevention of student injury. The Superintendent or designee shall implement appropriate practices~~well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, ~~practices relative to~~protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, the outdoor environment, and guiding student participation in educational programs, and school-sponsored activities.

Staff

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3515 - Campus Security)

(cf. 3515.21 - Unmanned Aircraft Systems (Drones))

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3530 - Risk Management/Insurance)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142.1 - Identification and Reporting of Missing Children)

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

(cf. 6163.2 - Animals at School)

(cf. 7111 - Evaluating Existing Buildings)

School staff shall be responsible for the proper supervision of students ~~during school hours, at all times when students are subject to district rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using district transportation to and from school.~~

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety and emergency procedures, as well as injury and disease prevention.

(cf. 5141.7 - Sun Safety)

(cf. 6142.8 - Comprehensive Health Education)

Crossing Guards/Student Safety Patrol

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a student safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

BP 5142(b)

SAFETY (continued)

(cf. 5142.2 - Safe Routes to School Program)

Student Identification Cards and Safety Information

Student identification cards of students in grades 7-12 shall have printed on them safety information, including the following: (Education Code 215.5, 217)

1. The National Suicide Prevention Lifeline telephone number and, at the district's discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number

(cf. 5141.52 - Suicide Prevention)

2. The National Domestic Violence Hotline

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Legal Reference: (see next page)

SAFETY (continued)

Legal Reference:

EDUCATION CODE

~~8482-8484.6-8482-8484.65~~ *After School Education and Safety Program*

~~17280-17317-17280-17317~~ *Building approvals (Field Act)*

~~17365-17374-17365-17374~~ *Fitness of school facilities for occupancy*

~~32001-32001~~ *Fire alarms and drills*

~~32020-32020~~ *School gates; entrances for emergency vehicles*

~~32030-32034~~ *Eye safety*

~~32040-32030-32034~~ *Eye safety*

~~32040~~ *First aid equipment*

~~32225-32226-32225-32226~~ *Two-way communication devices in classrooms*

~~32240-32245~~ *Lead-free schools*

~~32250-32254-32240-32245~~ *Lead-free schools*

~~32250-32254~~ *CDE school safety and security resources unit*

~~32280-32289~~ *Safety plans*

~~44807-32280-32289~~ *Safety plans*

~~44807~~ *Duty of teachers concerning conduct of students*

~~44808-44808~~ *Exemption from liability when students are not on school property*

~~44808.5-44808.5~~ *Permission for students to leave school grounds; notice (high school)*

~~45450-45451~~ *Crossing guards*

~~48900~~ *Hazing*

~~49300-49307~~ *School safety patrol*

~~49330-49335~~ *Injurious objects*

~~49341-45450-45451~~ *Crossing guards*

~~48900~~ *Hazing*

~~49300-49307~~ *School safety patrol*

~~49330-49335~~ *Injurious objects*

~~49341~~ *Hazardous materials in school science laboratories*

~~51202-51202~~ *Instruction in personal and public health and safety*
GOVERNMENT CODE

~~810-996.6~~ *California Tort Claims Act*

~~810-996.6~~ *California Tort Claims Act*
HEALTH AND SAFETY CODE

~~115725-115735~~ *Playground safety*

~~115775-115800~~ *Wooden playground equipment*

~~115810-115816~~ *Playground safety and recycling grants*

~~115725-115735~~ *Playground safety*
~~115775-115800~~ *Wooden playground equipment*
~~116046~~ *Issuance of best practices guidelines for K-12 pool safety*
PENAL CODE

~~245.6~~ *Hazing*

~~245.6~~ *Hazing*
PUBLIC RESOURCES CODE

~~5411-5411~~ *Purchase of equipment usable by ~~physically disabled~~ persons with disabilities*
VEHICLE CODE

~~21100-21100~~ *Rules and regulations; crossing guards*

~~21212-21201~~ *Rules for operation of bicycle on roadway*

~~21212~~ *Use of helmets*

~~42200-42200~~ *Fines and forfeitures, disposition by cities*

~~42201-42201~~ *Fines and forfeitures, disposition by counties*

Legal Reference continued: (see next page)

BP 5142(d)

SAFETY (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5

~~202-202~~ *Exclusion of students with a contagious disease*

570-576 School safety patrols

~~5531-570-576~~ School safety patrols

5531 Supervision of social activities

~~5552-5552~~ Playground supervision

~~5570-5570~~ When school shall be open and teachers present

~~14103-14030~~ Standards for development of plans for the design and construction of school facilities

14103 Bus driver; authority over pupils

COURT DECISIONS

J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123

Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138

Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990

Knight v. Jewett, (1992) 3 Cal.4th 296, 313

Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, ~~2005~~2017

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2014

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

~~Handbook for Public Playground Safety, Pub. No. 325, 1994, rev. 1997~~ Handbook, 2010

WEB SITES

American Society for Testing and Materials: ~~http://www.astm.org~~ http://www.astm.org

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

http://www.cde.ca.gov/ls/ss

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

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

Environmental Protection Agency: ~~http://www.epa.gov~~ http://www.epa.gov

U.S. Consumer Product Safety Commission: ~~http://www.cpsc.gov~~ http://www.cpsc.gov

U.S. Department of Education, Safe

Schools: ~~http://www.ed.gov/about/offices/list/osers/osep/gtss.html~~

http://www.ed.gov/about/offices/list/osers/osep/gtss.html

SAFETY

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3320 - Claims and Actions Against the District)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 3515 - Campus Security)
(cf. 3515.21 - Unmanned Aircraft Systems (Drones))
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3530 - Risk Management/Insurance)
(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5142.1 - Identification and Reporting of Missing Children)
(cf. 5143 - Insurance)
(cf. 6145.2 - Athletic Competition)
(cf. 6163.2 - Animals at School)
(cf. 7111 - Evaluating Existing Buildings)

School staff shall be responsible for the proper supervision of students at all times when students are subject to district rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using district transportation.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety and emergency procedures, as well as injury and disease prevention.

(cf. 5141.7 - Sun Safety)
(cf. 6142.8 - Comprehensive Health Education)

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To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a student safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

(cf. 5142.2 - Safe Routes to School Program)

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1. The National Suicide Prevention Lifeline telephone number and, at the district's discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number

(cf. 5141.52 - Suicide Prevention)

2. The National Domestic Violence Hotline

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Legal Reference:

EDUCATION CODE

8482-8484.65 After School Education and Safety Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

44808.5 Permission for students to leave school grounds; notice (high school)

45450-45451 Crossing guards

48900 Hazing

49300-49307 School safety patrol

49330-49335 Injurious objects

49341 Hazardous materials in school science laboratories

51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act

HEALTH AND SAFETY CODE

115725-115735 Playground safety

115775-115800 Wooden playground equipment

116046 Issuance of best practices guidelines for K-12 pool safety

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by persons with disabilities

VEHICLE CODE

21100 Rules and regulations; crossing guards

21201 Rules for operation of bicycle on roadway

21212 Use of helmets

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties
CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease
570-576 School safety patrols
5531 Supervision of social activities
5552 Playground supervision
5570 When school shall be open and teachers present
14030 Standards for development of plans for the design and construction of school facilities
14103 Bus driver; authority over pupils
COURT DECISIONS
J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123
Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337
Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138
Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990
Knight v. Jewett, (1992) 3 Cal.4th 296, 313
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508
Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2017

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

Public Playground Safety Handbook, 2010

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>

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

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

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

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

U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>

U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

~~BP 6177~~ CSBA Sample

Board Policy

Instruction

Summer Learning Programs

BP 6177

Instruction

The Board of Education

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

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills and make academic progress.

***Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The purposes and content of the district's summer programs should be aligned with the priorities and goals as outlined in the LCAP and other applicable district and school plans. ***

Summer programs offered by the district shall be aligned with ~~district goals and curriculum~~the district's local control and accountability plan (LCAP), other applicable district and school plans, and the educational program provided during the school year. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social/ and emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

(cf. ~~0200~~ 0200 - Goals for the School District)

(cf. ~~3552~~ 0460 - Local Control and Accountability Plan)

(cf. 3552 - Summer Meal Program)

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

(cf. 5141.6 ~~(cf. 5141.6)~~ - School Health Services)

(cf. 5148 ~~(cf. 5148)~~ - Child Care and Development Program)

(cf. 6011 - Academic Standards)

(cf. 6142.7 ~~(cf. 6142.7)~~ - Physical Education and Activity)

(cf. 6143 - Courses of Study)

~~(cf. 6153 - School Sponsored Trips)~~

Summer School

When

***Note: Summer school programs may be funded through a variety of sources that include,

but are not limited to, Title I funding (20 USC 6311-6322), After School Education and Safety Program supplemental funds ~~are available, the~~(Education Code 8482-8484.6), and 21st Century Community Learning Center supplemental funds (Education Code 8484.7-8484.9; 20 USC 7171-7176).

~~***~~

~~***Note: In addition, Education Code 54444.3 requires agencies receiving Title I Migrant Education funding to conduct summer school for eligible migrant students in grades K-12; see BP/AR 6175 - Migrant Education Program. ***~~

~~The Superintendent or designee, with Board approval, shall~~may establish summer school day and/or evening classes.

~~(cf. 5148.2 - 5148.2 - Before/After School Program)~~

~~(cf. 6171 - 6171 - Title I Programs)~~

~~(cf. 6175 - Migrant Education Program)~~

The district's summer school program may be used to provide supplemental instruction ~~for~~to students ~~failing to meet academic requirements needing remediation~~ and/or ~~students who desire enrichment in core academic subjects in accordance with law, Board policy, and administrative regulation. (Education Code 37252, 37252.2, 37252.8, 37253, 41505 - 41506; 5 CCR 11472).~~

~~(cf. 5123 - Promotion/Acceleration/Retention)~~

~~6176 (cf. 5147 - Dropout Prevention)~~

~~(cf. 6011 - Academic Standards)~~

~~(cf. 6143 - Courses of Study)~~

~~(cf. 6146.1 - High School Graduation Requirements)~~

~~(cf. 6146.5 - Elementary/Middle School Graduation Requirements)~~

~~(cf. 6162.52 - High School Exit Examination)~~

~~(cf. 6176 - Weekend/Saturday Classes)~~

~~(cf. 6179 (cf. 6179 - Supplemental Instruction)~~

~~Priority~~

~~***Note: The following optional list establishes enrollment priorities for the provision of summer school instruction and may be revised to enro||reflect district practice. Item #1 should be deleted by districts that do not maintain high schools. ***~~

~~As appropriate, priority for enrollment~~ in summer school programs shall be given to district students who:

~~1. Are eligible for supplemental instruction on the basis of retention or recommendation for retention pursuant to Education Code 37252.2~~

~~2. Are eligible for supplemental instruction on the basis of insufficient progress toward passing the state high school exit examination pursuant to Education Code 37252~~

~~3.~~

1. Need course credits in order to graduate from high school before the beginning of the next school year

(cf. 5147 - Dropout Prevention)

(cf. 6146.1 - High School Graduation Requirements)

2. Have been retained or are at risk of being retained at their grade level

(cf. 5123 - Promotion/Acceleration/Retention)

3. Demonstrate academic deficiencies in core curriculum areas

(cf. 0460 - Local Control and Accountability Plan)

***Note: Optional item #4 establishes priority for summer school enrollment to at-risk student groups identified in the district's LCAP. Pursuant to Education Code 52060, the LCAP must include annual goals to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, as amended by AB 104 (Ch. 13, Statutes of 2015), numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities foster youth, and homeless students if there are at least 30 students in the subgroup (or at least 15 foster youth or homeless students) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education. ***

4. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

~~OPTION 1: The remaining openings shall be offered to other district students on a first come, first served basis.~~

~~OPTION 2: The remaining openings shall be offered to other district students on a lottery basis.~~

***Note: The following optional paragraph should be modified to reflect district practice. ***

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

(cf. ~~5113~~ 5113 - Absences and Excuses)

(cf. ~~6154~~ 6154 - Homework/~~Make-Up~~ Makeup Work)

***Note: State funding is not available for transportation to summer school. To accommodate students and parents/guardians who need to provide their own transportation, some districts

rotate the sites at which summer sessions are offered, as provided in the following optional paragraph. ***

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to accommodate the maintenance needs of district schools.

***Note: The following optional paragraph should be revised to reflect indicators for program evaluation that have been agreed upon by the Board and Superintendent, as well as a timeline for reports to the Board. ***

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and disaggregated by grade level, school that the students attend during the regular school year, and student population ~~such as students from low income families, students with disabilities, and English learners.~~ In addition, he/she ~~shall~~ may report on the extent to which students successfully achieved the ~~academic~~ outcomes established for the program.

Additional Summer Learning Opportunities

***Note: The following optional section may be revised to reflect district practice and may be adapted for use during intercessions other than summer break. For further information about summer learning opportunities, see CSBA's Summer Learning and Wellness Resource Guide. ***

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop, implement, and build awareness of organized activities that support summer learning.

(cf. ~~1020~~ - Youth Services)

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

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

Strategies to support summer learning may include, but are not limited to:

~~1. Gathering and providing~~

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations

2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity

(cf. ~~1330.1~~ - 1330.1 - Joint Use Agreements)

3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training ~~programs~~ opportunities that include an academic

component

(cf. ~~3260~~ 3260 - Fees and Charges)

(cf. ~~5113.2~~ 5113.2 - Work Permits)

(cf. ~~6178.1~~ 6178.1 - Work-Based Learning)

4.- Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals

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

5.- Assigning summer vacation homework in core curricular subject(s) ~~that is due at the beginning of the school year~~ for extra credit

6.- Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subjects

7.- Arranging opportunities for community service

(cf. ~~6142.4~~ 6142.4 - Service Learning/Community Service Classes)

Legal Reference:

EDUCATION CODE

~~8482~~ ~~8484.6~~ 8482-8484.6 After School Education and Safety Program

~~8484.7~~ ~~8484.9~~ 8484.7-8484.9 21st Century Community Learning Centers

~~37252~~ ~~37254.1~~ Supplemental instruction

~~39837~~ ~~37252~~ ~~37254.1~~ Supplemental instruction

39837 Transportation to summer employment programs

~~41505~~ ~~41508~~ Pupil Retention Block Grant

~~41976.5~~ ~~41505~~ ~~41508~~ Pupil Retention Block Grant

41976.5 Summer school programs, substantially disabled persons or graduating high school seniors

~~42238.8~~ Revenue limit for average daily attendance

~~42239~~ Summer school apportionments

~~48070~~ ~~48070.5~~ Promotion and retention

~~51210~~ ~~42238.01~~ ~~42238.07~~ Local control funding formula

~~48070~~ ~~48070.5~~ Promotion and retention

51210 Areas of study for elementary schools

~~51220~~ 51220 Areas of study for grades ~~7-12~~ 1-6

~~51730-51732~~ 51730-51732 Powers of governing boards (authorization for elementary summer school classes)

~~54444.3-52052~~ 54444.3-52052 Accountability; numerically significant student subgroups

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

~~54444.3~~ 54444.3 Summer program for migrant students

~~56345-56345~~ 56345-56345 Extended-year program for special education students

~~58700-58702~~ 58700-58702 Credit towards summer school apportionments for tutoring and homework assistance

~~58806-58806~~ 58806-58806 Summer school apportionments

~~60851~~ 60851 Supplemental instruction toward exit examination

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

~~53025-53032~~ 53025-53032 Intensive reading instruction

~~53091-53095~~ 53091-53095 Intensive algebra instruction

CODE OF REGULATIONS, TITLE 5

~~3043-3043~~ 3043-3043 Extended school year, special education students

~~11470-11472~~ 11470-11472 Summer school

~~11470-11472~~ 11470-11472 Summer school

UNITED STATES CODE, TITLE 20

~~6311-6322~~ 6311-6322 Improving basic programs for disadvantaged students

~~7171-7176~~ 7171-7176 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

Summer Learning and Wellness Resource Guide

School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013

NATIONAL SUMMER LEARNING ASSOCIATION PUBLICATIONS

Healthy Summers for Kids: Turning Risk into Opportunity, May 2012

New Vision for Summer School, 2010

RAND CORPORATION PUBLICATIONS

Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011

WEB SITES

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

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

National Summer Learning Association: <http://www.summerlearning.org>

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

RAND Corporation: <http://www.rand.org> <http://www.rand.org>

Summer Matters: <http://summermatters2you.net> <http://summermatters2you.net>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: January 23, 2001 Alameda, California

revised: August 25, 2009

revised: August 27, 2013

(4/13 12/13) 12/15

Summer Learning Programs

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills and make academic progress.

Summer programs offered by the district shall be aligned with the district's local control and accountability plan (LCAP), other applicable district and school plans, and the educational program provided during the school year. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social and emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

- (cf. 0200 - Goals for the School District)
- (cf. 0460 - Local Control and Accountability Plan)
- (cf. 3552 - Summer Meal Program)
- (cf. 5030 - Student Wellness)
- (cf. 5141.6 - School Health Services)
- (cf. 5148 - Child Care and Development Program)
- (cf. 6011 - Academic Standards)
- (cf. 6142.7 - Physical Education and Activity)
- (cf. 6143 - Courses of Study)

Summer School

The Superintendent or designee, with Board approval, may establish summer school day and/or evening classes.

- (cf. 5148.2 - Before/After School Program)
- (cf. 6171 - Title I Programs)
- (cf. 6175 - Migrant Education Program)

The district's summer school program may be used to provide supplemental instruction to students needing remediation and/or enrichment in core academic subjects.

- (cf. 6176 - Weekend/Saturday Classes)
- (cf. 6179 - Supplemental Instruction)

As appropriate, priority for enrollment in summer school programs shall be given to district students who:

1. Need course credits in order to graduate from high school before the beginning of the next school year

- (cf. 5147 - Dropout Prevention)

(cf. 6146.1 - High School Graduation Requirements)

2. Have been retained or are at risk of being retained at their grade level

(cf. 5123 - Promotion/Acceleration/Retention)

3. Demonstrate academic deficiencies in core curriculum areas

(cf. 0460 - Local Control and Accountability Plan)

4. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

(cf. 5113 - Absences and Excuses)

(cf. 6154 - Homework/Makeup Work)

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to accommodate the maintenance needs of district schools.

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and disaggregated by grade level, school that the students attend during the regular school year, and student population. In addition, he/she may report on the extent to which students successfully achieved the outcomes established for the program.

Additional Summer Learning Opportunities

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop, implement, and build awareness of organized activities that support summer learning.

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

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

Strategies to support summer learning may include, but are not limited to:

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity

(cf. 1330.1 - Joint Use Agreements)

3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component

(cf. 3260 - Fees and Charges)

(cf. 5113.2 - Work Permits)

(cf. 6178.1 - Work-Based Learning)

4. Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals

(cf. 6020 - Parent Involvement)

5. Assigning summer vacation homework in core curricular subject(s) for extra credit

6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subjects

7. Arranging opportunities for community service

(cf. 6142.4 - Service Learning/Community Service Classes)

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

37252-37254.1 Supplemental instruction

39837 Transportation to summer employment programs

41505-41508 Pupil Retention Block Grant

41976.5 Summer school programs, substantially disabled persons or graduating high school seniors

42238.01-42238.07 Local control funding formula

48070-48070.5 Promotion and retention

51210 Areas of study for elementary schools

51220 Areas of study for grades 1-6

51730-51732 Powers of governing boards (authorization for elementary summer school classes)

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

54444.3 Summer program for migrant students

56345 Extended-year program for special education students

58700-58702 Credit towards summer school apportionments for tutoring and homework assistance

58806 Summer school apportionments
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