

~~Comprehensive Local Plan For Special Education~~

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COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

The Governing Board of Education ~~desires~~ recognizes its obligation to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, ~~including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.~~

~~Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)~~

~~The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)~~

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

~~(cf. 4112.23 - Special Education Staff)~~

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

~~(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)~~

~~(cf. 6159 - Individualized Education Program)~~

~~(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)~~

~~(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)~~

~~(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)~~

~~(cf. 6159.4 - Behavioral Interventions for Special Education Students)~~

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

~~(cf. 6164.6 - Identification and Education Under Section 504)~~

OPTION 1: (Single-district SELPA)

In order to meet the needs of individuals with disabilities ~~and employ staff with adequate expertise for this purpose~~, the district ~~participates~~ shall serve as a member of the Special Education Local Plan Area (SELPA) pursuant to Education Code 56195.1.

The Superintendent or designee shall ~~extend~~ develop a local plan for the education of individuals with disabilities residing in the district. The plan shall be approved by the Board and submitted to the county office of education and the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations Superintendent of this Public Instruction. (Education Code 56195.1, 56195.3)

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

OPTION 2: (Districts that participate in a multi-district, with SELPA)

In order to meet the exceptionneeds of those that apply to complaints, unless the SELPA plan specifically authorizes individuals with disabilities, the district to operate under its own policies and regulations shall participate as a member of a multi-district Special Education Local Plan Area (SELPA) pursuant to Education Code 56195.1.

The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the county office of education and the Superintendent of Public Instruction. (Education Code 56195.1, 56195.3)

OPTION 3: (Districts that participate in a multi-district SELPA with the county office of education)

In order to meet the needs of individuals with disabilities, the district shall participate as a member of a Special Education Local Plan Area (SELPA) with other districts and the county office of education pursuant to Education Code 56195.1.

The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the Superintendent of Public Instruction. (Education Code 56195.1)

The local plan shall be reviewed at least once every three years and updated as needed to ensure the information contained in the plan remains relevant and accurate. The local plan shall be updated cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent/guardian members of the community advisory committee, or parents/guardians selected by the community advisory committee, to ensure adequate and effective participation and communication. (Education Code 56195.9)

Special education programs and services shall be reviewed on an ongoing basis. The results of such evaluations shall be used to identify and correct any program deficiencies.

Legal Reference:

EDUCATION CODE

~~56000-56001~~ 56000-56001 *Education for individuals with exceptional needs*

~~56020-56035~~ Definitions

~~56040-56046~~ General provisions

~~56048-56050~~ Surrogate parents

~~56055-56020-56035~~ Definitions

~~56040-56046~~ General provisions

~~56048-56050~~ Surrogate parents

~~56055~~ Foster parents

~~56060-56063~~ Substitute teachers

~~56170-56177-56060-56063~~ Substitute teachers

~~56170-56177~~ Children enrolled in private schools

~~56190-56194~~ Community advisory committees

~~56195-56195.10~~ Local plans

~~56205-56208~~ Local plan requirements

~~56213-56190-56194~~ Community advisory committees

~~56195-56195.10~~ Local plans

~~56205-56208~~ Local plan requirements

~~56213~~ Special education local plan areas with small or sparse populations

~~56240-56245~~ Staff development

~~56300-56385-56240-56245~~ Staff development

~~56300-56385~~ Identification and referral, assessment, instructional planning

~~56440-56447.1-56440-56447.1~~ Programs for individuals between the ages of three and five years

~~56500-56508-56500-56508~~ Procedural safeguards, including due process rights

~~56520-56524~~ Behavioral interventions

~~56600-56606-56520-56524~~ Behavioral interventions

~~56600-56606~~ Evaluation, audits and information

~~56836-56836.05~~ Administration of local plan

~~56836-56836.05~~ Administration of local plan

GOVERNMENT CODE

~~7579.5-7579.5~~ Surrogate parent, appointment, qualifications, liability

~~95000-95029-95000-95029~~ California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

~~361-361~~ Limitations on parental control

~~726-726~~ Limitations on parental control

CODE OF REGULATIONS, TITLE 5

~~3000-3089-3000-3089~~ Regulations governing special education

UNITED STATES CODE, TITLE 20

~~1400-1482-1400-1482~~ Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

~~794-794~~ *Rehabilitation Act of 1973, Section 504*
~~UNITED STATES CODE, TITLE 42~~
~~12101-12213-12101-12213~~ *Americans with Disabilities Act*
~~CODE OF FEDERAL REGULATIONS, TITLE 34~~
~~99.10-99.22-99.10-99.22~~ *Inspection, review and procedures for amending education records*
~~104.1-104.39-104.1-104.39~~ *Section 504 of the Rehabilitation Act of 1973*
~~300.1-300.818-300.1-300.818~~ *Assistance to states for the education of children with disabilities,*
including:
~~300.500-300.520-300.500-300.520~~ *Due process procedures for parents and children*
~~303.1-303.654-303.1-303.654~~ *Early intervention program for infants and toddlers with disabilities*

Management Resources:

WEB SITES

California Department of Education, Special Education: ~~<http://www.cde.ca.gov/sp/se>~~

~~<http://www.cde.ca.gov/sp/se>~~

U.S. Department of Education, Office of Special Education

Programs: ~~<http://www.ed.gov/about/offices/list/osers/osep>~~

~~<http://www.ed.gov/about/offices/list/osers/osep>~~

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

adopted: ~~August 25, 2009 Alameda, California~~ May 2020

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

The Governing Board recognizes its obligation to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district.

(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
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The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the county office of education and the Superintendent of Public Instruction. (Education Code 56195.1, 56195.3)

Legal Reference:

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56020-56035 *Definitions*
56040-56046 *General provisions*
56048-56050 *Surrogate parents*
56055 *Foster parents*
56060-56063 *Substitute teachers*
56170-56177 *Children enrolled in private schools*
56190-56194 *Community advisory committees*
56195-56195.10 *Local plans*
56205-56208 *Local plan requirements*
56213 *Special education local plan areas with small or sparse populations*
56240-56245 *Staff development*
56300-56385 *Identification and referral, assessment, instructional planning*
56440-56447.1 *Programs for individuals between the ages of three and five years*
56500-56508 *Procedural safeguards, including due process rights*
56520-56524 *Behavioral interventions*
56600-56606 *Evaluation, audits and information*

56836-56836.05 *Administration of local plan*

GOVERNMENT CODE

7579.5 *Surrogate parent, appointment, qualifications, liability*

95000-95029 *California Early Intervention Services Act*

WELFARE AND INSTITUTIONS CODE

361 *Limitations on parental control*

726 *Limitations on parental control*

CODE OF REGULATIONS, TITLE 5

3000-3089 *Regulations governing special education*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 *Inspection, review and procedures for amending education records*

104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*

300.1-300.818 *Assistance to states for the education of children with disabilities, including:*

300.500-300.520 *Due process procedures for parents and children*

303.1-303.654 *Early intervention program for infants and toddlers with disabilities*

Management Resources:

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osep>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

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UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR ~~4600-4670~~ 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following ~~complaints~~ programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)

~~(cf. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult 5146 - Married/Pregnant/Parenting Students)~~

2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)

~~(cf. 6200 - Adult Education)~~

3. After School Education and Safety programs (Education Code 8482-8484.65)

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

4. Agricultural career technical education; ~~American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state-~~ (Education Code 52460-52462)

5. Career technical and technical education and ~~career technical and technical education, career technical, and technical~~ training programs (Education Code 52300-52462)

~~(cf. 6178 - Career Technical Education)~~

~~(cf. federal career technical education; child- 6178.1 - Work-Based Learning)~~

6. Child care and development programs (Education Code 8200-8498)

~~(cf. child nutrition programs; compensatory 5148 - Child Care and Development)~~

7. Compensatory education (Education Code 54400)

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

8. ~~Consolidated categorical aid programs; Economic Impact Aid; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; special education programs; California State Preschool Programs; Tobacco Use Prevention Education programs; and any other district implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000 (Education Code 33315; 34 CFR 299.10-299.12)~~

BP 1312.3(b)

UNIFORM COMPLAINT PROCEDURES (continued)

9. ~~Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the~~ ~~(cf. 3553 - Free and Reduced Price Meals)~~

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

~~(cf. 5131.62 - Tobacco)~~

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

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

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

~~(cf. 6159 - Individualized Education Program)~~

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

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

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

~~(cf. 6178 - Career Technical Education)~~

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

~~(cf. 6178.2 - Regional Occupational Center/Program)~~

~~(cf. 6200 - Adult Education)~~

2. ~~Any complaint, by a student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)~~

~~(cf. employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory 6152 - Class Assignment)~~

10. Discrimination, harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code ~~200 or 220, Government Code 11135, or Penal Code 422.55~~, 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (~~5 CCR 4610~~) (5 CCR 4610)

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

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

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

(cf. ~~5145.71~~ 5145.71 - Title IX Sexual Harassment Complaint Procedures)

~~11.3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)~~ Educational

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

~~4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board imposed graduation requirements (Education Code 46015)~~

~~5. Any complaint alleging district noncompliance with the prohibition against requiring for students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610) in~~

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

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

~~6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)~~

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

(cf. ~~3100~~ Budget)

~~7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)~~

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

~~8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)care,~~

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

~~9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former students, students from military families, students formerly in a juvenile court school–student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an–students, and immigrant studentstudents participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1) (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)~~

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

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

~~(cf. (cf. 6173.2) 6173.2 – Education of Children of Military Families)~~

~~(cf. 6173.3 – Education for Juvenile Court School Students)~~

12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

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

14. Migrant education (Education Code 54440-54445)

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

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

BP 1312.3(c)

UNIFORM COMPLAINT PROCEDURES (continued)

~~(cf. 10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2) 6142.7~~

~~11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)~~

~~(cf. 6152 - Class Assignment)~~

~~12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)~~

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

16. Student fees (Education Code 49010-49013)

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

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

~~(cf. 6178.2 - Regional Occupational Center/Program)~~

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

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

20. School safety plans (Education Code 32280-32289)

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

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

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

22. State preschool programs (Education Code 8235-8239.1)

~~(cf. 13, 5148.3 - Preschool/Early Childhood Education)~~

23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)

24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

~~14. Any other complaint as specified in a district policy~~

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process ~~to reach~~for resolving a ~~resolution to the~~ complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that

BP 1312.3(d)

UNIFORM COMPLAINT PROCEDURES (continued)

involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

(cf. ~~5125~~ 5125 - *Student Records*)

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

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. ~~4131~~ 4131 - *Staff Development*)

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

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

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR ~~4631 and 4633~~, 4631 and 4633.

(cf. ~~3580~~ 3580 - *District Records*)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be ~~referred to~~ investigated and resolved by the specified agency: ~~(5 CCR 4611)~~ or through an alternative process:

- 1.- Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division ~~and/or~~ the appropriate law enforcement agency. (5 CCR 4611)

BP 1312.3(e)

UNIFORM COMPLAINT PROCEDURES (continued)

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

- 2.- Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services ~~and shall, for licensing exempt facilities, be referred to the appropriate Child Development regional administrator.~~ (5 CCR 4611)

~~3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.~~

3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments, ~~or health and safety violations in any license exempt California State Preschool Program~~ shall be investigated and resolved in accordance with ~~the procedures in~~ AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code ~~8235.5, 35186~~ 35186)

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

Legal Reference: (see next page)

BP 1312.3(f)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

~~33380-33384 California Indian Education Centers~~

35186 Williams uniform complaint procedures

~~44500-44508 California Peer Assistance and Review Program for Teachers~~

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student fees

49060-49079 Student records, especially:

49069.5 Records of foster youth

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

52059.5 Statewide system of support

52060-52077 Local control and accountability plan, especially:

52075 *Complaint for lack of compliance with local control and accountability plan requirements*

~~52160-52178 Bilingual education programs~~

52300-52462 *Career technical education*

52500-52616.24 *Adult schools*

~~54000-54029 Economic Impact Aid~~

54400-54425 *Compensatory education programs*

54440-54445 *Migrant education*

54460-54529 *Compensatory education programs*

~~56000-56865 Special education programs~~

59000-59300 *Special schools and centers*

64000-64001 *Consolidated application process; school plan for student achievement*

65000-65001 *School site councils*

GOVERNMENT CODE

11135 *Nondiscrimination in programs or activities funded by state*

12900-12996 *Fair Employment and Housing Act*

HEALTH AND SAFETY CODE

1596.792 *California Child Day Care Act; general provisions and definitions*

1596.7925 *California Child Day Care Act; health and safety regulations*

~~104420 Tobacco Use Prevention Education~~

Legal Reference continued: (see next page)

BP 1312.3(g)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

PENAL CODE

422.55 *Hate crime; definition*

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 2

11023 *Harassment and discrimination prevention and correction*

CODE OF REGULATIONS, TITLE 5

~~3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities~~

3200-3205 Special education compliance complaints

4600-4670 Uniform complaint procedures
 4680-4687 Williams uniform complaint procedures
~~4900~~4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs
 900-4965 Nondiscrimination in elementary and secondary education programs
 15580-15584 Child nutrition programs complaint procedures
UNITED STATES CODE, TITLE 20
 1221 Application of laws
 1232g Family Educational Rights and Privacy Act
 1681-1688 Title IX of the Education Amendments of 1972
 6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
 6801-7014 Title III language instruction for limited English proficient and immigrant students
UNITED STATES CODE, TITLE 29
 794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
 6101-6107 Age Discrimination Act of 1975
 11431-11435 McKinney-Vento Homeless Assistance Act
 12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
 35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
 99.1-99.67 Family Educational Rights and Privacy Act
 100.3 Prohibition of discrimination on basis of race, color or national origin
 104.7 Designation of responsible employee for Section 504
 106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex
 110.25 Notification of nondiscrimination on the basis of age

Management Resources: (see next page)

BP 1312.3(h)

UNIFORM COMPLAINT PROCEDURES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

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

Dear Colleague Letter: Harassment and Bullying, October 2010

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

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

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

~~Family Student Privacy Policy Compliance Office:~~

~~<https://www2.ed.gov/policy/gen/guid/fpeo/about/offices/list/oepd/sppo>~~

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

~~<http://www.ed.gov/ocr>~~

U.S. Department of Justice: ~~<http://www.justice.gov>~~ <http://www.justice.gov>

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

adopted: ~~November 15, 2016 Alameda, California~~

revised: ~~May 8, 2018~~

revised: ~~May 14, 2019~~

December 2020

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
(cf. 5146 - Married/Pregnant/Parenting Students)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
(cf. 6200 - Adult Education)
3. After School Education and Safety programs (Education Code 8482-8484.65)
(cf. 5148.2 - Before/After School Programs)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
6. Child care and development programs (Education Code 8200-8498)
(cf. 5148 - Child Care and Development)
7. Compensatory education (Education Code 54400)
(cf. 6171 - Title I Programs)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has

previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)

(cf. 6152 - Class Assignment)

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

14. Migrant education (Education Code 54440-54445)

(cf. 6175 - Migrant Education Program)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

(cf. 6142.7 - Physical Education and Activity)

16. Student fees (Education Code 49010-49013)

(cf. 3260 - Fees and Charges)

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

(cf. 6178.2 - Regional Occupational Center/Program)

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

20. School safety plans (Education Code 32280-32289)

(cf. 0450 - Comprehensive Safety Plan)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

(cf. 0420 - School Plans/Site Councils)

22. State preschool programs (Education Code 8235-8239.1)

(cf. 5148.3 - Preschool/Early Childhood Education)

23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)

24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

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

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)

3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred

- to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
 7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51222 Physical education, secondary schools
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52059.5 Statewide system of support
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52300-52462 Career technical education
52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3200-3205 Special education compliance complaints

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs

900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child nutrition programs complaint procedures

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

11431-11435 McKinney-Vento Homeless Assistance Act

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

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Dear Colleague Letter: Harassment and Bullying, October 2010

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

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

*CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
Student Privacy Policy Office: <https://www2.ed.gov/about/offices/list/oepd/sppo>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>
U.S. Department of Justice: <http://www.justice.gov>*

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: November 15, 2016 Alameda, California

revised: May 8, 2018

revised: May 14, 2019

revised:

Assignment

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Certificated Personnel

BP 4113

ASSIGNMENT

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which they are qualified pursuant to their ~~preparation~~, certification, preparation, professional experience, and aptitude ~~qualify them~~.

(cf. ~~4112.2~~ 4112.2 - Certification)

(cf. ~~4112.21~~ Interns)

(cf. 4112.21 - Interns)

(cf. ~~4112.22~~ 4112.22 - Staff Teaching English ~~Language~~ Learners)

(cf. ~~4112.23~~ 4112.23 - Special Education Staff)

(cf. ~~4112.8/4212.8/4312.8~~ Employment of Relatives) (cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

(cf. ~~4141/4241~~ 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers ~~to courses~~ based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare ~~him/her~~ the teacher to provide instruction in that subject.

When specifically authorized by law or regulation, the Superintendent or designee may ~~assign a teacher~~, with ~~his/her~~ the teacher's consent, assign a teacher to a position outside ~~his/her~~ the teacher's credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. ~~Assignments made pursuant to Education Code 44256, 44258.2, and 44263~~ Such assignments shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. ~~3580~~ 3580 - District Records)

~~The~~

If at any time a certificated employee is required by the district to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type, in writing, of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or CTC, as applicable the misassignment. Within 15 working days, the Superintendent or designee shall report the results to the Board and notify the employee of the legality of the assignment. If no action is taken by the district, the employee shall provide recommendations written notification to the County Superintendent of Schools. No adverse action shall be taken against an employee who files a notice of misassignment. (Education Code 44258.9)

Vacancies and Misassignments

Annually, the district shall review potential misassignments and vacant positions throughout the district. Upon receiving notification from CTC of the availability of data regarding potential misassignments and vacant positions in the district, the Superintendent shall review the data within 60 days. When necessary, the Superintendent or designee may respond by submitting additional documentation to the County Superintendent showing that an employee is legally authorized for remedying any an assignment and/or that a position identified issues as vacant was miscoded and a legally authorized employee is assigned to the position. (Education Code 44258.9)

If the district subsequently receives, within 90 days of CTC's initial notification, a notification from the County Superintendent indicating that a certificated employee in the district is assigned to a position for which the employee has no legal authorization, the district shall correct the assignment within 30 calendar days. (Education Code 44258.9)

The district shall serve as the monitoring authority for teacher assignments in any charter school it has authorized, in accordance with Education Code 44258.9-44258.10.

(cf. ~~cf. 1312.4~~ 0420.41 - Charter School Oversight)

Any complaint alleging teacher misassignment or vacancy shall be filed and addressed through the district's procedures specified in AR 1312.4 - Williams Uniform Complaint Procedures).

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The school accountability report card for each school shall include any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period. (Education Code 33126)

(cf. 0510 - School Accountability Report Card)

Equitable Distribution of Qualified and Experienced Teachers

The Superintendent or designee shall ensure that identify and address the equitable distribution of highly qualified and experienced teachers are equitably distributed among district schools,

including those with higher than average levels of low-income, minority, and/or academically underperforming students. ~~He/she~~The Superintendent or designee shall annually report to the Board comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

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

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

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

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

(cf. ~~4114~~ 4114 - Transfers)

(cf. ~~4131~~ 4131 - Staff Development)

(cf. ~~4131.1~~ 4131.1 - Teacher Support and Guidance)

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

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35035 Additional powers and duties of superintendent

35186 Complaint process

37616 Assignment of teachers to year-round schools

44225.6 Commission report to the legislature re: teachers

44250-44277 Credentials and assignments of teachers

44314 Subject matter programs, approved subjects

44824 Assignment of teachers to weekend classes

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

80003-80005 Credential authorizations

80020-80020.5 Additional assignment authorizations

80335 Performance of unauthorized professional services

80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plans

6601-6651 Teacher and Principal Training and Recruiting Fund

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California State Plan to Ensure Equitable Access to Excellent Educators

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual - Updates and Revisions, May 2014

The Administrator's Assignment Manual, rev. September 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006

WEB SITES

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

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

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

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

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

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

adopted: ~~August 25, 2009 Alameda, California~~ _____ May 2020

~~revised: November 14, 2017~~

ASSIGNMENT

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which they are qualified pursuant to their certification, preparation, professional experience, and aptitude.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare the teacher to provide instruction in that subject.

When specifically authorized by law or regulation, the Superintendent or designee may, with the teacher's consent, assign a teacher to a position outside the teacher's credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Such assignments shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

If at any time a certificated employee is required by the district to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the Superintendent or designee, in writing, of the misassignment. Within 15 working days, the Superintendent or designee shall notify the employee of the legality of the assignment. If no action is taken by the district, the employee shall provide written notification to the County Superintendent of Schools. No adverse action shall be taken against an employee who files a notice of misassignment. (Education Code 44258.9)

Vacancies and Misassignments

Annually, the district shall review potential misassignments and vacant positions throughout the district. Upon receiving notification from CTC of the availability of data regarding potential misassignments and vacant positions in the district, the Superintendent shall review the data within 60 days. When necessary, the Superintendent or designee may respond by submitting additional documentation to the County Superintendent showing that an employee is legally authorized for an assignment and/or that a position identified as vacant was miscoded and a legally authorized employee is assigned to the position. (Education Code 44258.9)

If the district subsequently receives, within 90 days of CTC's initial notification, a notification from the County Superintendent indicating that a certificated employee in the district is assigned to a position for which the employee has no legal authorization, the district shall correct the assignment within 30 calendar days. (Education Code 44258.9)

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(cf. 0420.41 - Charter School Oversight)

Any complaint alleging teacher misassignment or vacancy shall be filed and addressed through the district's procedures specified in AR 1312.4 - Williams Uniform Complaint Procedures.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The school accountability report card for each school shall include any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period. (Education Code 33126)

(cf. 0510 - School Accountability Report Card)

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The Superintendent or designee shall identify and address the equitable distribution of highly qualified and experienced teachers among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. The Superintendent or designee shall annually report to the Board comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

(cf. 0460 - Local Control and Accountability Plan)

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

(cf. 4114 - Transfers)

(cf. 4131 - Staff Development)
(cf. 4131.1 - Teacher Support and Guidance)
(cf. 6171 - Title I Programs)

Legal Reference:

EDUCATION CODE

33126 School accountability report card
35035 Additional powers and duties of superintendent
35186 Complaint process
37616 Assignment of teachers to year-round schools
44225.6 Commission report to the legislature re: teachers
44250-44277 Credentials and assignments of teachers
44314 Subject matter programs, approved subjects
44824 Assignment of teachers to weekend classes
44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

80003-80005 Credential authorizations
80020-80020.5 Additional assignment authorizations
80335 Performance of unauthorized professional services
80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan
6312 Local educational agency plans
6601-6651 Teacher and Principal Training and Recruiting Fund

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California State Plan to Ensure Equitable Access to Excellent Educators
Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

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Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
U.S. Department of Education: <http://www.ed.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: November 14, 2017

revised:

~~Sexual Harassment~~

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All Personnel	BP 4119.11(a)
	<u>4219.11</u>
SEXUAL HARASSMENT	<u>4319.11</u>

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

~~(cf. 4030 - Nondiscrimination in Employment)~~

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim.

~~This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.~~

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

~~(cf. 4030 - Nondiscrimination in Employment)~~

~~Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal based on pregnancy, childbirth, or related medical conditions.~~

~~(cf. 4117.7/4317.7 - Employment Status Reports)~~

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

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

- 1.- ____ Providing training to employees in accordance with law and administrative regulation
- 2.- ____ Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

~~(cf. 4112.9/4212.9/4312.9 – Employee Notifications)~~

- 3.- Ensuring prompt, thorough, fair, and ~~fair~~equitable investigation of complaints
- 4.- Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

~~Any district employee~~

District employees who ~~feels~~feel that ~~he/she has~~they have been sexually harassed in the performance of ~~his/her~~their district responsibilities or who ~~has~~have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to ~~his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.~~their direct supervisor, a

~~Complaints of sexual harassment shall be filed and investigated in accordance with~~

BP 4119.11(b)

4219.11

4319.11

SEXUAL HARASSMENT (continued)

~~district administrator, or the complaint procedure specified in AR 4030 – Nondiscrimination in Employment. An employee district's Title IX Coordinator. Employees may bypass his/her~~their supervisor in filing a complaint ~~where~~if the supervisor is the subject of the complaint.

~~All complaints and allegations of sexual A supervisor or administrator who receives a harassment complaint shall be kept confidential to promptly notify the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023) Title IX Coordinator.~~

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any

implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Legal Reference: (see next page)

BP 4119.11(c)

4219.11

4319.11

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 82 Nondiscrimination on the basis of sex in employment in education program programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov> <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil

Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

<http://www.ed.gov/about/offices/list/ocr/index.html>

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

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

revised: May 8, 2018

October 2020

SEXUAL HARASSMENT

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

(cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor

or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.82 Nondiscrimination on the basis of sex in employment in education programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ALAMEDA UNIFIED SCHOOL

adopted: August 25, 2009 Alameda, California

revised: May 8, 2018

revised:

Exposure Control Plan For Bloodborne Pathogens—

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All Personnel	BP 4119.42
	4219.42
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS	4319.42

As part of its commitment to provide a safe and ~~healthful~~healthy work environment, the ~~Governing Board of Education~~ recognizes the importance of ~~developing an exposure control plan~~ protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace ~~to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).~~

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

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Legal Reference:

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

~~142.3~~ 142.3 Authority of Cal/OSHA to adopt standards

~~144.7~~ 144.7 Requirement to amend standards

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

~~3204-3203~~ Injury and illness prevention program

~~3204~~ Access to employee exposure and medical records

~~5193-5193~~ California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

~~1910.1030-1910.1030~~ OSHA bloodborne pathogens standards

Management Resources:

CDE ADVISORIES

~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings~~

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

WEB SITES

OSHA: ~~<http://www.osha.gov>~~

Cal/OSHA: ~~http://www.dir.ca.gov/occupational_safety.html~~

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

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

adopted: ~~August 25, 2009 Alameda, California~~ May 2020

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

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

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

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Legal Reference:

GOVERNMENT CODE

3543.2 *Scope of bargaining*

LABOR CODE

142.3 *Authority of Cal/OSHA to adopt standards*

144.7 *Requirement to amend standards*

6401.7 *Injury and illness prevention program*

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention program*

3204 *Access to employee exposure and medical records*

5193 *California bloodborne pathogens standards*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

WEB SITES

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Universal Precautions

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All Personnel	BP 4119.43
	4219.43
UNIVERSAL PRECAUTIONS	4319.43

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board of Education requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.6 - School Health Services)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

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

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

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

Legal Reference:

GOVERNMENT CODE
3543.2 Scope of bargaining

HEALTH AND SAFETY CODE

~~117600-118360-117600-118360~~ *Handling and disposal of regulated waste*

~~120875-120875~~ *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

~~120880-120880~~ *Information to employees of school district*

LABOR CODE

~~6401.7~~ *Injury and illness prevention program*

CODE OF REGULATIONS, TITLE 8

~~5193-3203~~ *Injury and illness prevention program*

~~5193~~ *California bloodborne pathogens standard*

CODE OF FEDERAL REGULATIONS, TITLE 29

~~1910.1030-1910.1030~~ *OSHA bloodborne pathogens standards*

Management Resources:

~~CDE PROGRAM ADVISORIES~~

~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings~~

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Hepatitis B Questions and Answers for the Public

WEB SITES

American Federation of Teachers: <https://www.aft.org>

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

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

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

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

adopted: ~~August 25, 2009 Alameda, California~~ May 2020

UNIVERSAL PRECAUTIONS

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(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
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Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

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

*Legal Reference:***GOVERNMENT CODE**

3543.2 *Scope of bargaining*

HEALTH AND SAFETY CODE

117600-118360 *Handling and disposal of regulated waste*

120875 *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

120880 *Information to employees of school district*

LABOR CODE

6401.7 *Injury and illness prevention program*

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention program*

5193 *California bloodborne pathogens standard*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

Management Resources:

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Hepatitis B Questions and Answers for the Public

WEB SITES

American Federation of Teachers: <https://www.aft.org>

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http://www.dir.ca.gov/occupational_safety.html*

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

~~Sexual Harassment~~

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All Personnel	BP 4119.11(a)
	<u>4219.11</u>
<u>SEXUAL HARASSMENT</u>	<u>4319.11</u>

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

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Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim.

~~This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.~~

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~~(cf. 4030 - Nondiscrimination in Employment)~~

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~~(cf. 4117.7/4317.7 - Employment Status Reports)~~

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

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

- 1.- Providing training to employees in accordance with law and administrative regulation
- 2.- Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

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

- 3.- Ensuring prompt, thorough, fair, and fair/equitable investigation of complaints
- 4.- Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

~~Any district employee~~

District employees who ~~feels~~feel that ~~he/she has~~they have been sexually harassed in the performance of ~~his/her~~their district responsibilities or who ~~has~~have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to ~~his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.~~their direct supervisor, a

~~Complaints of sexual harassment shall be filed and investigated in accordance with~~

BP 4119.11(b)

4219.11

4319.11

SEXUAL HARASSMENT (continued)

~~district administrator, or the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee-district's Title IX Coordinator. Employees may bypass his/her~~their supervisor in filing a complaint ~~where~~if the supervisor is the subject of the complaint.

~~All complaints and allegations of sexual~~ A supervisor or administrator who receives a harassment complaint shall be kept confidential to promptly notify the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023) Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be

subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Legal Reference: (see next page)

	BP 4119.11(c)
	4219.11
	4319.11

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 82 Nondiscrimination on the basis of sex in employment in education

program programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

<http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov> <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil

Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

<http://www.ed.gov/about/offices/list/ocr/index.html>

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

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

revised: ~~May 8, 2018~~

October 2020

SEXUAL HARASSMENT

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

(cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor

or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.82 Nondiscrimination on the basis of sex in employment in education programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ALAMEDA UNIFIED SCHOOL

adopted: August 25, 2009 Alameda, California

revised: May 8, 2018

revised:

All Personnel	AR 4119.42
	4219.42
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS	4319.42

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan ~~For~~

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:

- a. All job classifications in which all employees have occupational exposure
- b. Job classifications in which some employees have occupational exposure
- c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.6 - School Health Services)

2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:

- a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment

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

- b. Hepatitis B vaccination
- c. Bloodborne ~~Pathogens~~—pathogen post-exposure evaluation and follow-up

d. Communication of ~~hazards~~ [< Previous](#) [Next >](#)

~~As part of its commitment to provide a safe~~ employees through information and healthful work environment, training

- e. Recordkeeping, including medical records, training records, and a log of sharps injuries

3. The district's procedure for documenting the ~~Board of Education recognizes the importance of developing an route(s) of exposure and the circumstances under which exposure incidents occurred~~

4. An effective procedure for gathering information about each exposure incident involving a sharp

5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents

6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments

7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control plan would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment

7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193)

Sharps Injury Log

The Superintendent or designee shall establish ~~a written~~ and maintain a log recording each exposure ~~control plan~~ incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in ~~accordance~~ the exposure incident

3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury

- h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with state and federal standards for dealing a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)

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

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

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with potentially infectious materials in occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

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

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV) except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

The

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall determine which employees have occupational exposure provide access to bloodborne pathogens a record in a reasonable time, place, and other potentially infectious materials.

Legal Reference:

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

~~CODE OF REGULATIONS, TITLE 8~~ manner, no later than 15 days after the request is made. (8 CCR 3204)

~~3204 Access to employee exposure and~~

~~Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)~~

1. The medical records

~~5193 California bloodborne pathogens standards~~

~~CODE OF FEDERAL REGULATIONS, TITLE 29~~

~~1910.1030 OSHA bloodborne pathogens standards~~

~~Management Resources:~~

~~CDE ADVISORIES~~

~~1016.89 Guidelines of each employee with occupational exposure shall be maintained for~~
~~Informing School Employees about Preventing the Spread of Infectious Diseases,~~
~~including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected~~
~~Persons in School Settings employment plus 30 years.~~

~~WEB SITES~~

~~OSHA: <http://www.osha.gov>~~

~~Cal/OSHA: http://www.dir.ca.gov/occupational_safety.html~~

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

~~Policy ALAMEDA UNIFIED SCHOOL DISTRICT~~

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

2. Training records shall be maintained for three years from the date of training.

3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.

4. Exposure records shall be maintained for at least 30 years.

5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Regulation

approved:

CSBA MANUAL MAINTENANCE SERVICE

May 2020

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

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

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Legal Reference:

GOVERNMENT CODE

3543.2 *Scope of bargaining*

LABOR CODE

142.3 *Authority of Cal/OSHA to adopt standards*

144.7 *Requirement to amend standards*

6401.7 *Injury and illness prevention program*

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention program*

3204 *Access to employee exposure and medical records*

5193 *California bloodborne pathogens standards*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

WEB SITES

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Universal Precautions

~~← Previous~~ | ~~Next →~~

~~In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Education requires that universal precautions be observed throughout the district.~~

Universal precautions are <u>All Personnel</u>	<u>AR 4119.43</u>
	<u>4219.43</u>
<u>UNIVERSAL PRECAUTIONS</u>	<u>4319.43</u>

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including, but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV), and other bloodborne pathogens. (8 CCR 5193; 29 CFR 1910.1030)

Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

Infection Control Practices

For the prevention of infectious disease, the district shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate for preventing the spread of all infectious diseases and shall be used written schedule for cleaning and decontamination of the worksite

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

2. When necessary for employees with occupational exposure to bloodborne pathogens, provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee (8 CCR 5193)
3. Provide handwashing facilities which are readily accessible to employees, or, if not feasible, provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

~~Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan or other safety procedures.~~

~~Legal Reference:~~

~~HEALTH AND SAFETY CODE~~

~~117600 118360 Handling and disposal of regulated waste~~

~~120875 Providing information to school districts on AIDS, AIDS related conditions and Hepatitis B~~

~~120880 Information to employees of school district~~

~~CODE OF REGULATIONS, TITLE 8~~

~~5193 California bloodborne pathogens standard~~

~~CODE OF FEDERAL REGULATIONS, TITLE 29~~

~~1910.1030 OSHA bloodborne pathogens standards~~

~~Management Resources:~~

~~CDE PROGRAM ADVISORIES~~

~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV Infected Persons in School Settings~~

~~WEB SITES~~

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

~~Policy ALAMEDA UNIFIED SCHOOL DISTRICT~~

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

- ~~1. Use personal protective equipment as appropriate.~~
- ~~2. Wash hands and other skin surfaces thoroughly with soap and running water:~~
 - ~~a. Immediately or as soon as feasible following contact with blood or other potentially infectious materials~~
 - ~~b. Immediately after removing gloves or other personal protective equipment~~

3. When handwashing facilities are not available, use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.
4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs, or forceps to clean up broken glassware which may be contaminated.
7. Use effective techniques designed to minimize the risk of a sharps injury in all procedures involving the use of sharps.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.24 - Specialized Health Care Services)

8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
 - a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193.
 - b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.6 - School Health Services)

(cf. 6145.2 - Athletic Competition)

Regulation
approved:

CSBA MANUAL MAINTENANCE SERVICE
May 2020

UNIVERSAL PRECAUTIONS

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.6 - School Health Services)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

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

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

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

*Legal Reference:***GOVERNMENT CODE**

3543.2 *Scope of bargaining*

HEALTH AND SAFETY CODE

117600-118360 *Handling and disposal of regulated waste*

120875 *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

120880 *Information to employees of school district*

LABOR CODE

6401.7 *Injury and illness prevention program*

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention program*

5193 *California bloodborne pathogens standard*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

Management Resources:

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Hepatitis B Questions and Answers for the Public

WEB SITES

American Federation of Teachers: <https://www.aft.org>

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

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

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

~~Sexual Harassment~~

~~← Previous | Next →~~

All Personnel	BP 4119.11(a)
	4219.11
SEXUAL HARASSMENT	4319.11

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

~~(cf. 4030 - Nondiscrimination in Employment)~~

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim.

~~This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.~~

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

~~(cf. 4030 - Nondiscrimination in Employment)~~

~~Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal based on pregnancy, childbirth, or related medical conditions.~~

~~(cf. 4117.7/4317.7 - Employment Status Reports)~~

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

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

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

- 1.- ____ Providing training to employees in accordance with law and administrative regulation
- 2.- ____ Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

~~(cf. 4112.9/4212.9/4312.9 – Employee Notifications)~~

- 3.- Ensuring prompt, thorough, fair, and fair/equitable investigation of complaints
- 4.- Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

~~Any district employee~~

District employees who ~~feels~~feel that ~~he/she has~~they have been sexually harassed in the performance of ~~his/her~~their district responsibilities or who ~~has~~have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to ~~his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.~~their direct supervisor, a

~~Complaints of sexual harassment shall be filed and investigated in accordance with~~

BP 4119.11(b)

4219.11

4319.11

SEXUAL HARASSMENT (continued)

~~district administrator, or the complaint procedure specified in AR 4030 – Nondiscrimination in Employment. An employee~~district's Title IX Coordinator. Employees may bypass ~~his/her~~their supervisor in filing a complaint ~~where~~if the supervisor is the subject of the complaint.

~~All complaints and allegations of sexual~~ A supervisor or administrator who receives a harassment complaint shall be kept confidential to promptly notify the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any

implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Legal Reference: (see next page)

BP 4119.11(c)

4219.11

4319.11

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 82 Nondiscrimination on the basis of sex in employment in education program programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov> <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil

Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

<http://www.ed.gov/about/offices/list/ocr/index.html>

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

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

revised: May 8, 2018

October 2020

SEXUAL HARASSMENT

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

(cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor

or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

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12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

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11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.82 Nondiscrimination on the basis of sex in employment in education programs or activities

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Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ALAMEDA UNIFIED SCHOOL

adopted: August 25, 2009 Alameda, California

revised: May 8, 2018

revised:

Exposure Control Plan For Bloodborne Pathogens—

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<u>All Personnel</u>	BP 4119.42
	4219.42
<u>EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS</u>	4319.42

As part of its commitment to provide a safe and ~~healthful~~healthy work environment, the ~~Governing Board of Education~~ recognizes the importance of ~~developing an exposure control plan~~protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace ~~to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).~~

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

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Legal Reference:

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

~~142.3~~ 142.3 Authority of Cal/OSHA to adopt standards

~~144.7~~ 144.7 Requirement to amend standards

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

~~3204-3203~~ Injury and illness prevention program

~~3204~~ Access to employee exposure and medical records

~~5193-5193~~ California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

~~1910.1030-1910.1030~~ OSHA bloodborne pathogens standards

Management Resources:

CDE ADVISORIES

~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings~~

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

WEB SITES

OSHA: ~~http://www.osha.gov~~

Cal/OSHA: ~~http://www.dir.ca.gov/occupational_safety.html~~

California Department of Industrial Relations, Occupational Safety and Health:

~~http://www.dir.ca.gov/occupational_safety.html~~

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

U.S. Department of Labor, Occupational Safety and Health Administration: http://www.osha.gov

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

adopted: ~~August 25, 2009 Alameda, California~~ May 2020

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

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

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.6 - School Health Services)

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

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In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Legal Reference:

GOVERNMENT CODE

3543.2 *Scope of bargaining*

LABOR CODE

142.3 *Authority of Cal/OSHA to adopt standards*

144.7 *Requirement to amend standards*

6401.7 *Injury and illness prevention program*

CODE OF REGULATIONS, TITLE 8

3203 *Injury and illness prevention program*

3204 *Access to employee exposure and medical records*

5193 *California bloodborne pathogens standards*

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 *OSHA bloodborne pathogens standards*

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

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California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Universal Precautions

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All Personnel	BP 4119.43
	4219.43
UNIVERSAL PRECAUTIONS	4319.43

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board of Education requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.6 - School Health Services)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

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

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

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

Legal Reference:

GOVERNMENT CODE

3543.2 Scope of bargaining

HEALTH AND SAFETY CODE

117600-118360-117600-118360 Handling and disposal of regulated waste

120875-120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880-120880 Information to employees of school district

LABOR CODE

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

5193-3203 Injury and illness prevention program

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030-1910.1030 OSHA bloodborne pathogens standards

Management Resources:

~~CDE PROGRAM ADVISORIES~~

~~1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings~~

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Hepatitis B Questions and Answers for the Public

WEB SITES

American Federation of Teachers: <https://www.aft.org>

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http://www.dir.ca.gov/occupational_safety.html

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

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

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

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

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

May 2020

UNIVERSAL PRECAUTIONS

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(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.24 - Specialized Health Care Services)
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(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

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

*Legal Reference:***GOVERNMENT CODE**

3543.2 *Scope of bargaining*

HEALTH AND SAFETY CODE

117600-118360 *Handling and disposal of regulated waste*

120875 *Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

120880 *Information to employees of school district*

LABOR CODE

6401.7 *Injury and illness prevention program*

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Management Resources:

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Chronic Absence And Truancy

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Students

BP 5113.1(a)

CHRONIC ABSENCE AND TRUANCY

The Governing Board believes that ~~excessive~~ absenteeism, ~~whether caused by excused or unexcused absences~~ whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

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

(cf. 5113.11 - Attendance Supervision)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. ~~He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates for all district students, for each school, and for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be disaggregated and used in the development of annual goals and specific actions for student attendance and engagement and for inclusion in the district's local control and accountability plan and other applicable school and district plans.~~

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent, attendance supervisor, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

The Superintendent, attendance supervisor, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies that focus on prevention or for preventing attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, letters alerting parents/guardians to the value of regular school attendance, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

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

(cf. ~~5126~~ 5126 - Awards for Achievement)

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

(cf. ~~5131.2~~ 5131.2 - Bullying)

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

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

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

Students with serious attendance problems shall be provided with interventions specific to their needs, which may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and

BP 5113.1(b)

CHRONIC ABSENCE AND TRUANCY (continued)

parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent, attendance supervisor, or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to ensure that make alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

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

(cf. ~~1020~~ Youth Services)

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

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

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

(cf. ~~6158~~ 6158 - Independent Study)

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

(cf. ~~6164.5~~ 6164.5 - Student Success Teams)

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

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

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6175 - Migrant Education Program)

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

(cf. ~~6181~~ 6181 - Alternative Schools/Programs of Choice)
(cf. ~~6183~~ 6183 - Home and Hospital Instruction)
(cf. ~~6184~~ 6184 - Continuation Education)
(cf. ~~6185~~ 6185 - Community Day School)

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

(cf. 4131 - Staff Development)

Students who are identified as ~~truants~~chronically absent or truant shall be subject to the interventions specified in law and administrative regulation.

(cf. 5113.12 - District School Attendance Review Board)

A student's truancy, tardiness, or other absence from school shall not be the basis for ~~his/her out-of-school~~ suspension or expulsion. Alternative ~~disciplinary~~ strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 ~~(cf. Discipline)~~)

(cf. 5144 ~~Discipline~~)

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

BP 5113.1(c)

CHRONIC ABSENCE AND TRUANCY (continued)

The Superintendent, attendance supervisor, or designee shall periodically report to the Board regarding ~~the district's progress in improving student attendance~~ patterns in the district, including rates for all students of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student populationsubgroup as defined in Education Code 52052. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to ~~make changes as needed.~~ develop annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in ~~identification~~the determination of how to best allocate available community resources.

(cf. 0500 - Accountability)

(cf. 0400 - Comprehensive Plans)

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

~~In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB). (cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)~~

~~The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts. (Education Code 48321)~~

~~The Board shall appoint members of the district's SARB, who may include, but are not limited to, a parent/guardian as well as representatives of the district; county probation department; county welfare department; county office of education; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321)~~

~~The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.~~

Legal Reference:

EDUCATION CODE

1740-~~1742~~ *Employment of personnel to supervise attendance (county superintendent)*

37223 *Weekend classes*

41601 Reports of average daily attendance

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48225.5 *Work permits, entertainment and allied industries*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-~~48296~~48297 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

48900 *Suspension and expulsion*

49067 *Unexcused absences as cause of failing grade*

52052 ~~Academic Performance Index~~ Accountability; numerically significant student subgroups

60901 *Chronic absence*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

272 *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*

830.1 *Peace officers*

Legal Reference continued: (see next page)

CHRONIC ABSENCE AND TRUANCY (continued)

Legal Reference: (continued)

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

256-258 *Juvenile hearing officer*

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

~~15497.5 Local control and accountability plan template~~

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

CSBA PUBLICATIONS

~~Attendance Awareness Month, Fact Sheet, September 2014~~

ATTENDANCE WORKS PUBLICATIONS

~~Count Us In! Working Together to Show that Every School Day Matters, 2014~~

District Attendance Tracking Tool

For School Board Members: Frequently Asked Questions About Chronic Absence

School Attendance Tracking Tool

Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early

Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015: A Road Map for Improved School Attendance and Behavior, rev. 2018

~~School Attendance Improvement Handbook, 2000~~

WEB SITES

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

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

Attendance Works: <http://www.attendanceworks.org> <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>
<http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: ~~<http://www.cal-schls.wested.org>~~
~~<http://www.cal-schls.wested.org>~~

Healthy Kids Survey: ~~<http://chks.wested.org>~~

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

adopted: ~~January 25, 2000 Alameda, California~~ October 2020

~~revised: August 25, 2009~~

~~revised: January 25, 2011~~

~~revised: February 23, 2016~~

CHRONIC ABSENCE AND TRUANCY

The Governing Board believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)

(cf. 5113.11 - Attendance Supervision)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district.

The Superintendent, attendance supervisor, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

The Superintendent, attendance supervisor, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies for preventing attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, letters alerting parents/guardians to the value of regular school attendance, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

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

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

Students with serious attendance problems shall be provided with interventions specific to their needs, which may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent, attendance supervisor, or designee may collaborate with child

welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

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

(cf. 5030 - Student Wellness)

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

(cf. 5147 - Dropout Prevention)

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6175 - Migrant Education Program)

(cf. 6179 - Supplemental Instruction)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

(cf. 4131 - Staff Development)

Students who are identified as chronically absent or truant shall be subject to the interventions specified in law and administrative regulation.

(cf. 5113.12 - District School Attendance Review Board)

A student's truancy, tardiness, or other absence from school shall not be the basis for suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 - Discipline)

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

The Superintendent, attendance supervisor, or designee shall periodically report to the Board regarding student attendance patterns in the district, including rates of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student subgroup as defined in Education Code 52052. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to develop annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

(cf. 0500 - Accountability)
(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

1740-1742 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

46000 Records (attendance)

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46110-46119 Attendance in kindergarten and elementary schools

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48200-48208 Children ages 6-18 (compulsory full-time attendance)

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48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48297 Failure to comply; complaints against parents

48320-48325 School attendance review boards

48340-48341 Improvement of student attendance

48400-48403 Compulsory continuation education

48900 Suspension and expulsion

49067 Unexcused absences as cause of failing grade

52052 Accountability; numerically significant student subgroups

60901 Chronic absence

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

ATTENDANCE WORKS PUBLICATIONS

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Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board: A Road Map for Improved School Attendance and Behavior, rev. 2018

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: January 25, 2000 Alameda, California

revised: August 25, 2009

revised: January 25, 2011

revised: February 23, 2016

revised:

Work Permits

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Students

BP 5113.2(a)

WORK PERMITS

The Governing Board of Education recognizes that part-time employment can provide students with income ~~as well as~~, job experience ~~that can help them develop appropriate workplace, and valuable life~~ skills and attitudes. ~~Upon obtaining an~~ should be permitted to the extent that such employment does not interfere with a student's education. Before accepting any offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee ~~in accordance with law~~, regardless of whether the employment will occur when school is in session and/or not in session. , unless otherwise exempted by law.

(cf. 6178 - Career Technical Education)

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits ~~must~~ shall be required to demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. , except during periods of extended school closure due to an emergency as described in Education Code 49200 and the accompanying administrative regulation. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

(cf. 5121 - Grades/Evaluation of Student Achievement)

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code ~~48230~~ 48230)

(cf. 5112.1 - Exemptions from Attendance)

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code ~~49130, 49131, 49135~~) (Education Code 49130, 49131, 49135)

(cf. 6178.1 - Work-Based Learning)

(cf. 6184 - Continuation Education)

Legal Reference: (see next page)

BP 5113.2(b)

WORK PERMITS (continued)

Legal Reference:

EDUCATION CODE

48230-48230 *Exemption from full-time school attendance for students with work permits*

48231-48231 *Exemption from compulsory attendance for students entering attendance area near end of term*

49100-49101 *Compulsory attendance*

49110-49119 *Permits to work*

49130-49135 *Permits to work full time*

49140-49141 *Exceptions*

49160-49165-49100-49101 *Compulsory attendance*

49110-49119 *Permits to work*

49130-49135 *Permits to work full time*

49140-49141 *Exceptions*

49160-49165 *Employment of minors; duties of employers*

49180-49183 *Violations*

51760-51769.5 *Work experience education*

52300-52499.66 *Career technical education*

49180-49183 *Violations*

49200 *Permit to work during extended emergency school closure*

51760-51769.5 *Work experience education*

52300-52499.66 *Career technical education*

LABOR CODE

1285-1312 *Employment of minors*

1391-1394 *Working hours for minors*

1285-1312 *Employment of minors*

1391-1394 *Working hours for minors*

CODE OF REGULATIONS, TITLE 5

16023-16027-10120-10121 *Work permits*

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707-11701-11707 Prohibited and dangerous occupations for minors

11750-11763-11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Work Permit Handbook for California Schools: Law to Employ and Regulations Governing the Employment~~ Work, Form B1-4

~~Statement of Minors, 2007~~ Intent to Employ a Minor and Request for a Work Permit - Certificate of Age, Form B1-1

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000 2013

WEB SITES

California Department of Education, Work Experience Education: ~~<http://www.cde.ca.gov/ci/ct/we>~~
<http://www.cde.ca.gov/ci/ct/we>

California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>

California Department of Industrial Relations: ~~<http://www.dir.ca.gov>~~ <http://www.dir.ca.gov>

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

adopted: ~~August 25, 2009 Alameda, California~~ December 2020

WORK PERMITS

The Governing Board recognizes that part-time employment can provide students with income, job experience, and valuable life skills and should be permitted to the extent that such employment does not interfere with a student's education. Before accepting any offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee, regardless of whether the employment will occur when school is in session and/or not in session, unless otherwise exempted by law.

(cf. 6178 - Career Technical Education)

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits shall be required to demonstrate and maintain a 2.0 grade point average and satisfactory school attendance, except during periods of extended school closure due to an emergency as described in Education Code 49200 and the accompanying administrative regulation. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

(cf. 5121 - Grades/Evaluation of Student Achievement)

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

(cf. 5112.1 - Exemptions from Attendance)

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

(cf. 6178.1 - Work-Based Learning)

(cf. 6184 - Continuation Education)

Legal Reference:

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 *Exceptions*
49160-49165 *Employment of minors; duties of employers*
49180-49183 *Violations*
49200 *Permit to work during extended emergency school closure*
51760-51769.5 *Work experience education*
52300-52499.66 *Career technical education*
LABOR CODE
1285-1312 *Employment of minors*
1391-1394 *Working hours for minors*
CODE OF REGULATIONS, TITLE 5
10120-10121 *Work permits*
16023-16027 *District records, retention and destruction*
CODE OF REGULATIONS, TITLE 8
11701-11707 *Prohibited and dangerous occupations for minors*
11750-11763 *Work permits and conditions, minor employed in entertainment industry*
CODE OF FEDERAL REGULATIONS, TITLE 29
570.1-570.129 *Child labor regulations*
ATTORNEY GENERAL OPINIONS
18 Ops.Cal.Atty.Gen. 114 (1951)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Permit to Employ and Work, Form B1-4
Statement of Intent to Employ a Minor and Request for a Work Permit - Certificate of Age, Form B1-1
CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS
Child Labor Laws, 2013
WEB SITES
California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>
California Department of Industrial Relations: <http://www.dir.ca.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Intradistrict Open Enrollment

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Students

BP 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

The Governing Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students, and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5116.2 - Involuntary Student Transfers)

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code ~~35160.5~~ 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code ~~35160.5, 48980~~ 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. Priority (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority for attendance the enrollment of a student in a district school outside of the student's attendance area shall be given as follows, if the student:

- ~~1. If a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students ____ Is enrolled in that school shall be provided an option to transfer to another a district school or charter school. (20 USC 6316)~~
- ~~2. If while on school grounds a student becomes the victim of a violent criminal offense, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912)~~
- ~~3. If a student attends a school designated by the California Department of Education as "persistently dangerous," he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912; 5 CCR 11992)(CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)~~

~~4. The~~

(cf. 0450 - Comprehensive Safety Plan)

2. Is a victim of a violent crime while on school grounds (20 USC 7912)

3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the district school requested by the student is at maximum capacity, the Superintendent or designee ~~may approve a student's~~ shall accept an intradistrict transfer ~~to~~ request for another district school. (Education Code 46600)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131.2 - Bullying)

BP 5116.1(b)

INTRADISTRICT OPEN ENROLLMENT (continued)

4. Is currently enrolled in a district school ~~that is at capacity~~ identified by CDE for comprehensive support and ~~otherwise closed~~ improvement, with priority given to transfers upon finding that the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)

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

5. Is experiencing special circumstances ~~exist~~ that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: ~~(Education Code 35160.5)~~ (Education Code 35160.5)

a.- A written statement from a representative of an appropriate state or local agency, ~~such as~~ including, but not necessarily limited to, a law enforcement official, or a social worker, or a properly licensed or registered professional, ~~such as~~ including, but not necessarily limited to, a psychiatrist, psychologist, or marriage and family therapist, clinical social worker, or professional clinical counselor

b.- A court order, including a temporary restraining order and injunction

~~5. Additional admission priorities may be established for intradistrict enrollment requests.~~

~~6. Priority may be given to any~~ Is a sibling of another student whose already attending that school

7. ~~Has a parent/guardian is assigned to that school as his/her whose~~ primary place of employment is that school

~~For all other~~

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment ~~from outside a school's attendance area~~ shall be submitted between _____ (insert application window dates) _____ of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine ~~whether~~ which students shall be admitted whenever ~~the a district~~ school receives admission requests that are in excess of the school's capacity. ~~A school's capacity shall be calculated in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)~~ (Education Code 35160.5)

BP 5116.1(c)

INTRADISTRICT OPEN ENROLLMENT (continued)

Enrollment decisions shall not be based on a student's academic or athletic performance, ~~except that. However, existing entrance criteria for may be used for enrolling students in specialized schools or programs may be used, provided that the criteria are uniformly applied to all applicants. ~~Academic~~ In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. ~~(Education Code 35160.5)~~ (Education Code 35160.5)~~

(cf. 6172 - Gifted and Talented Student Program)

~~No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)~~

Transportation

~~Except as required by 20 USC 6316 for transfers out of Title I program improvement schools~~

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. ~~However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds.~~

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference: (see next page)

BP 5116.1(d)

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

EDUCATION CODE

~~35160.5~~ 200 Prohibition against discrimination

35160.5 District policies; rules and regulations

~~35291~~ Rules

~~35351~~ 35291 Rules

35351 Assignment of students to particular schools

~~48980~~ 46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48980 Notice at beginning of term
CODE OF REGULATIONS, TITLE 5
11992-11994-11992-11994 Definition of persistently dangerous schools
UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912-6311 State plans
6313 Eligibility of schools and school attendance areas; funding allocation
7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION GUIDANCE PUBLICATIONS

Unsafe School Choice Option, May 2004

Public School Choice, February 2004

WEB SITES

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

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

California Department of Education, Unsafe School Choice
Option: <http://www.cde.ca.gov/ls/ss/sc/usco.asp>: <http://www.cde.ca.gov>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>: <http://www.ed.gov>

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

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

INTRADISTRICT OPEN ENROLLMENT

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5116.2 - Involuntary Student Transfers)

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

2. Is a victim of a violent crime while on school grounds (20 USC 7912)
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131.2 - Bullying)

4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)

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

5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
 - a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor
 - b. A court order, including a temporary restraining order and injunction
6. Is a sibling of another student already attending that school
7. Has a parent/guardian whose primary place of employment is that school

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted between January and August of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - *Transportation Fees*)

(cf. 3540 - *Transportation*)

Legal Reference:

EDUCATION CODE

200 *Prohibition against discrimination*

35160.5 *District policies; rules and regulations*

35291 *Rules*

35351 *Assignment of students to particular schools*

46600-46611 *Interdistrict attendance agreements*

48200 *Compulsory attendance*

48204 *Residency requirements for school attendance*

48300-48316 *Student attendance alternatives, school district of choice program*

48980 *Notice at beginning of term*

CODE OF REGULATIONS, TITLE 5

11992-11994 *Definition of persistently dangerous schools*

UNITED STATES CODE, TITLE 20

6311 *State plans*

6313 *Eligibility of schools and school attendance areas; funding allocation*

7912 *Transfers from persistently dangerous schools*

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 95 (2002)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Unsafe School Choice Option, May 2004

WEB SITES

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

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

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

MENTAL HEALTH

The Governing Board recognizes that students' emotional well-being and mental health contribute to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to build students' resiliency skills, help students cope with life challenges, and reduce the stigma associated with mental illness.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

(cf. 1220 - Citizen Advisory Committees)

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

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The district shall provide instruction to students that promotes their healthy mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors, developing coping skills, and identifying resources that may provide assistance.

(cf. 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall provide school staff with information and training to recognize the early signs of an emerging mental health condition, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, and link students with effective services and supports. Such information may also be provided to parents/guardians and families.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5141.52 - Suicide Prevention)

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and their parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

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

(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

Legal Reference:

EDUCATION CODE

215-216 Student suicide prevention

234.6 Posting suicide prevention policy on web site

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49600 Responsibilities of school counselors

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

56171 Duty to identify and assess children in private schools who need special education services

56300-56385 Identification, referral, and assessment for special education

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5840-5840.8 Prevention and early intervention programs

5850-5886 Children's Mental Health Services Act

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability

CODE OF FEDERAL REGULATIONS, TITLE 34

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL CHILD TRAUMATIC STRESS NETWORK PUBLICATIONS

Child Trauma Toolkit for Educators, 2008

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <https://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <https://www.schoolcounselor.org>

California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>

California Department of Health Care Services, Mental Health Services:

<http://www.dhcs.ca.gov/services/MH>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

Management Resources: (continued)

WEB SITES (continued)

National Association of School Psychologists: <https://www.nasponline.org>

National Child Traumatic Stress Network: <https://www.nctsn.org>

National Council for Behavioral Health, Mental Health First Aid:

<https://www.mentalhealthfirstaid.org>

National Institute for Mental Health: <http://www.nimh.nih.gov>

Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org>

Suicide Prevention Resource Center: <https://www.sprc.org/about-suicide>

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services

Administration: <http://www.samhsa.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted:

Infectious Diseases—

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Students

BP 5141.22(a)

INFECTIOUS DISEASES

The Governing Board of Education desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate a high-quality education for all students. ~~The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.~~

~~Infectious Disease Prevention~~

The Superintendent or designee shall collaborate with ~~parents/guardians and~~ local and state health ~~agencies and organizations~~officials to develop and regularly update a comprehensive ~~approach to~~plan for disease prevention that promotes preventative measures ~~and, mitigation,~~ education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

(cf. 0400 - Comprehensive Plans)

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

(cf. 0415 - Equity)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

~~The Superintendent or designee shall ensure that the~~

The district's comprehensive health education program ~~provides~~shall provide age-appropriate information about the prevention of infectious nature and symptoms of communicable diseases, including the nature of bloodborne pathogens and their transmission, as well as information and how to help prevent the spread of contagious diseases, ~~such as.~~

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

If the local health officer notifies the district of an outbreak of a pandemic influenza. He/she communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall also ensure take any action that each school has sufficient infection prevention supplies that are easily accessible the health officer deems necessary to staff control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Universal Precautions

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

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

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

BP 5141.22(b)

INFECTIOUS DISEASES (continued)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)

(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6164.6 - Identification and Education Under Section 504)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize ~~the child's~~ exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

~~48210-48216 Persons excluded~~

~~49073-49079 Privacy of pupil records~~

~~49403-48210-48216 Persons excluded~~

~~49060-49069.7 Student records~~

~~49073-49079 Privacy of pupil records~~

~~49403 Cooperation in control of communicable disease and immunization of pupils~~

~~49405-49405 Smallpox control~~

~~49406-49406 Examination for tuberculosis (employees)~~

~~49408 Information of use in emergencies~~

~~49602 Confidentiality of 49408 Student emergency information~~

~~49602 Counseling and confidentiality of student information~~

~~51202-51202 Instruction in personal and public health and safety~~

~~CIVIL CODE~~

~~56-56.37 Confidentiality of Medical Information Act~~

~~1798-1798.78 Information Practices Act~~

Legal Reference continued: (see next page)

BP 5141.22(c)

INFECTIOUS DISEASES (continued)

Legal Reference: (continued)

~~HEALTH AND SAFETY CODE~~

~~120175.5 Local health officers and communicable diseases~~

~~120230 Exclusion for communicable disease~~

~~120325-120380 Immunization against communicable diseases~~

~~120875-120895 AIDS information~~

~~120975-121023 Mandated blood testing and confidentiality to protect public health~~

~~121475-121520 Tuberculosis tests for students~~

~~CALIFORNIA CONSTITUTION~~

~~Article I, Section 1 Right to Privacy~~

~~CIVIL CODE~~

~~56-56.37 Confidentiality of Medical Information Act~~

~~1798-1798.76 Information Practices Act~~

~~HEALTH AND SAFETY CODE~~

~~120230 Exclusion for communicable disease~~

~~120325-120380 Immunization against communicable diseases~~

~~120875-120895 AIDS information~~

~~120975-121022 Mandated blood testing and confidentiality to protect public health~~

~~121475-121520 Tuberculosis tests for pupils~~

CODE OF REGULATIONS, TITLE 8

~~5193 California bloodborne pathogens standard~~

5193 Bloodborne pathogens

CODE OF REGULATIONS, TITLE 17

~~2500-2511-2500-2511~~ Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

~~1232g-1232g~~ Family Educational and Privacy Rights Act

~~1400-1482-1400-1482~~ Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

~~794-794~~ Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

~~164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)~~

164.500-164.534 Privacy of individually identifiable health information

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 1986 662 F.Supp. 376

Management Resources:

~~CSBA~~ CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Saving Lives: AIDS Issues Science Safety Handbook for California Public Schools 1994, rev. 2006, 2014

~~Avian~~ U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

School District (K-12) Pandemic Influenza, Governance and Policy Services Fact Sheet, April 2006 Planning Checklist

WEB SITES

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

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

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

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>

~~Contra Costa County Office of Education, Pandemic Flu~~

~~Resources: http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit~~

~~U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>~~

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

adopted: ~~August 25, 2009 Alameda, California~~ July 2020

INFECTIOUS DISEASES

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing a high-quality education for all students. The Superintendent or designee shall collaborate with local and state health officials to develop and regularly update a comprehensive plan for disease prevention that promotes preventative measures, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

(cf. 0400 - Comprehensive Plans)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 - Equity)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

The district's comprehensive health education program shall provide age-appropriate information about the nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)

(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6164.6 - Identification and Education Under Section 504)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48210-48216 *Persons excluded*

49060-49069.7 *Student records*

49073-49079 *Privacy of pupil records*

49403 *Cooperation in control of communicable disease and immunization of pupils*

49405 *Smallpox control*

49406 *Examination for tuberculosis (employees)*

49408 *Student emergency information*

49602 *Counseling and confidentiality of student information*

51202 *Instruction in personal and public health and safety*

CIVIL CODE

56-56.37 *Confidentiality of Medical Information Act*

1798-1798.78 *Information Practices Act*

HEALTH AND SAFETY CODE

120175.5 *Local health officers and communicable diseases*

120230 *Exclusion for communicable disease*

120325-120380 *Immunization against communicable diseases*

120875-120895 *AIDS information*

120975-121023 *Mandated blood testing and confidentiality to protect public health*

121475-121520 *Tuberculosis tests for students*

CALIFORNIA CONSTITUTION

Article 1, Section 1 *Right to Privacy*

CODE OF REGULATIONS, TITLE 8

5193 *Bloodborne pathogens*
CODE OF REGULATIONS, TITLE 17
2500-2511 *Communicable disease reporting requirements*
UNITED STATES CODE, TITLE 20
1232g *Family Educational and Privacy Rights Act*
1400-1482 *Individuals with Disabilities Education Act*
UNITED STATES CODE, TITLE 29
794 *Section 504 of the Rehabilitation Act of 1973*
CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 *Privacy of individually identifiable health information*
COURT DECISIONS
Thomas v. Atascadero Unified School District, (1986) 662 F.Supp. 376

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Science Safety Handbook for California Public Schools, 2014
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS
School District (K-12) Pandemic Influenza Planning Checklist
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
California Department of Public Health: <http://www.cdph.ca.gov>
Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Immunizations—

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Students

BP 5141.31(a)

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board of Education shall cooperate with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases.

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

(cf. ~~5141.22~~ 5141.22 - *Infectious Diseases*)

(cf. ~~5141.26~~ 5141.26 - *Tuberculosis Testing*)

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

Each student enrolling for the first time in a district ~~elementary or secondary~~ school, preschool, or child care and development program or enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that ~~he/she~~ the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. ~~5112.1~~ 5112.1 - *Exemptions from Attendance*)

(cf. ~~5112.2~~ 5112.2 - *Exclusions from Attendance*)

(cf. ~~5141.32~~ 5141.32 - *Health Screening for School Entry*)

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

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

Each transfer student

Transfer students shall be requested to present ~~his/her~~ immunization ~~record~~ records upon registration at a district ~~school~~ schools if possible.

~~However, when necessary, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by an authorized health care provider showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)~~

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

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

(cf. 6173.2 - *Education of Children of Military Families*)

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right

to provide consent for the administration of an immunization to their child at school.
(Education Code ~~49403~~ 48980, 49403)

(cf. ~~5141.3~~ 5141.3 - Health Examinations)

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

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

Legal Reference: (see next page)

BP 5141.31(b)

IMMUNIZATIONS (continued)

Legal Reference:

EDUCATION CODE

~~44871~~ 44871 *Qualifications of supervisor of health*

~~46010~~ 46010 *Total days of attendance*

48216 Immunization

~~48853.5~~ 48216 *Immunization and exclusion from attendance*

~~48853.5~~ *Immediate enrollment of foster youth*

~~48980~~ 48980 *Required notification of rights*

~~49403~~ 49403 *Cooperation in control of communicable disease and immunizations*

~~49426~~ 49426 *Duties of school nurses*

~~49701~~ 49701 *Flexibility in enrollment of children of military families*

~~51745~~ 51749.6 *Independent study*

HEALTH AND SAFETY CODE

~~120325~~ ~~120380~~ 120325-120380 *Immunization against communicable disease, especially:*

~~120335~~ 120335 *Immunization requirement for admission*

~~120395~~ 120372 *Statewide medical exemption electronic standardized form*

120395 *Information about meningococcal disease, including recommendation for vaccination*

~~120440~~ 120440 *Disclosure of immunization information*

CODE OF REGULATIONS, TITLE 5

~~430~~ 430 *Student records; definition*

CODE OF REGULATIONS, TITLE 17

~~6000~~ ~~6075~~ 6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 20

~~1232g~~ 1232g *Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 42

~~11432~~ 11432 *Immediate enrollment of homeless children*

CODE OF FEDERAL REGULATIONS, TITLE 34

~~99.1~~ ~~99.67~~ 99.1-99.67 *Family Educational Rights and Privacy*

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Exemptions FAQs

Guide to Immunization Requirements for Pre-kindergarten (Child Care)

Guide to Immunization Requirements for K-12th Grade

Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)

Parents' Guide to Immunizations Required for School Entry

Vaccinations and Medical Exemptions Questions and Answers

California Immunization Handbook for ~~Schools and~~ Pre-kindergarten (Child Care) Programs and Schools, 10th Edition, July 20032019

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide to Immunizations Required for School Entry

Guide to the RequirementsAnnual Audits of the California School Immunization Law for Parents of Children in or Entering School or Child CareK-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

Management Resources continued: (see next page)

BP 5141.31(c)

IMMUNIZATIONS (continued)

Management Resources: (continued)

WEB SITES

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

California Department of Public Health, Immunization

Branch: ~~http://www.cdph.ca.gov/programs/immunize~~

<https://www.cdph.ca.gov/programs/cid/dcdc/pages/immunize.aspx>

California Department of Public Health, Shots for Schools: <https://www.shotsforschool.org>

California Health & Human Services Agency: <https://www.chhs.ca.gov/>

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

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

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

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

adopted: ~~August 25, 2009 Alameda, California~~ December 2020

~~revised: January 25, 2011~~

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board shall cooperate with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 6142.8 - Comprehensive Health Education)

Each student enrolling for the first time in a district school, preschool, or child care and development program or enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Transfer students shall be requested to present immunization records upon registration at district schools if possible.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 48980, 49403)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

44871 *Qualifications of supervisor of health*

46010 *Total days of attendance*

48216 *Immunization and exclusion from attendance*

48853.5 *Immediate enrollment of foster youth*

48980 *Required notification of rights*

49403 *Cooperation in control of communicable disease and immunizations*

49426 Duties of school nurses
49701 Flexibility in enrollment of children of military families
51745-51749.6 Independent study
HEALTH AND SAFETY CODE
120325-120380 Immunization against communicable disease, especially:
120335 Immunization requirement for admission
120372 Statewide medical exemption electronic standardized form
120395 Information about meningococcal disease, including recommendation for vaccination
120440 Disclosure of immunization information
CODE OF REGULATIONS, TITLE 5
430 Student records; definition
CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
UNITED STATES CODE, TITLE 42
11432 Immediate enrollment of homeless children
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
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Parents' Guide to Immunizations Required for School Entry
Vaccinations and Medical Exemptions Questions and Answers
California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools, 10th Edition, July 2019
EDUCATION AUDIT APPEALS PANEL PUBLICATIONS
Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
California Department of Public Health, Immunization Branch:
<https://www.cdph.ca.gov/programs/cid/dcdc/pages/immunize.aspx>
California Department of Public Health, Shots for Schools: <https://www.shotsforschool.org>
California Health & Human Services Agency: <https://www.chhs.ca.gov/>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Education Audit Appeals Panel: <http://www.eaap.ca.gov>
U.S. Department of Education: <http://www.ed.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: January 25, 2011

revised:

Nondiscrimination/Harassment

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Students

BP 5145.3

NONDISCRIMINATION/HARASSMENT

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

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

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

(cf. ~~5131.2~~ 5131.2 - Bullying)

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

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

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

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

(cf. ~~6164.6~~ 6164.6 - Identification and Education Under Section 504)

~~This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.~~

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also ~~includes the creation of a hostile environment through~~ occurs when prohibited conduct ~~that~~ is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she~~In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.~~

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she~~The Superintendent or designee~~ shall report his/her/the findings and recommendations to the Board after each review.

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

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

(cf. ~~4131~~ 4131 - Staff Development)

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

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

(cf. ~~6145~~ 6145 - Extracurricular and Cocurricular Activities)

(cf. ~~6145.2~~ 6145.2 - Athletic Competition)

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

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code ~~48900.4~~ 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

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

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

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

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

(cf. ~~5144~~ 5144 - Discipline)

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

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

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

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. ~~3580~~ 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

~~49060-49079~~ Student records

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

~~12101-12213 Title II equal opportunity for individuals with disabilities~~

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, ~~July 2016~~ March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

WEB SITES

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

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: ~~<http://www.firstamendmentcenter.org>~~
~~<http://www.firstamendmentcenter.org>~~

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

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

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

adopted: ~~November 15, 2016 Alameda, California~~ May 2020

~~revised: July 6, 2018~~

NONDISCRIMINATION/HARASSMENT

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
49060-49079 Student records
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

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422.55 Definition of hate crime
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794 Section 504 of Rehabilitation Act of 1973

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2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
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COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

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Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017

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Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

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

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: November 15, 2016 Alameda, California

revised: July 6, 2018

revised:

Parental Notifications

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Students

BP 5145.6(a)

PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians ~~and students~~ all notifications required by law and any other notifications ~~he/she~~ the Superintendent or designee believes will promote parental understanding and involvement.

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

(cf. ~~5022~~ 5022 - Student and Family Privacy Rights)

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

Notice of the rights and responsibilities of parents/guardians as specified in Education Code ~~48980~~ 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code ~~48981~~ 48981)

No activity specified in Education Code ~~48980~~ 48980 shall be undertaken with respect to any particular student unless ~~his/her~~ the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (~~Education Code 48983-48984~~) (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code ~~48982~~ 48982)

Whenever a student enrolls in a district school during the school year, ~~his/her~~ the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code ~~52164~~, 52164, all notices sent to the

parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.
~~(Education Code 48981, 48985)~~ (Education Code 48981, 48985)

BP 5145.6(b)

PARENTAL NOTIFICATIONS (continued)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, ~~he/she~~the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

- 221.5 *Prohibited sex discrimination*
- 231.5 *Sexual harassment policy*
- 234.7 *Student protections relating to immigration and citizenship status*
- 262.3 *Appeals for discrimination complaints; information regarding availability of civil remedies*
- 310 *Language acquisition programs*
- 313 *Reclassification of English learners, parental consultation*
- 313.2 *Long-term English learner, notification*
- 440 *English language proficiency assessment; instruction in English language development*
- 8483 *Before/after school program; enrollment priorities*
- 17288 *Building standards for university campuses*
- 17611.5-17612 *Notification of pesticide use*
- 32221.5 *Insurance for athletic team members*
- 32255-32255.6 *Right to refuse harmful or destructive use of animals*
- 32390 *Fingerprint program; contracts; funding; consent of parent/guardian*
- 33479.3 *The Eric Paredes Sudden Cardiac Arrest Prevention Act*
- 35160.5 *Extracurricular and ~~co-curricular~~ cocurricular activities*
- 35178.4 *Notice of accreditation status*
- 35182.5 *Advertising in the classroom*
- 35183 *School dress codes; uniforms*
- 35186 *Complaints concerning deficiencies in instructional materials and facilities*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

35211 Driver training; district insurance, parent/guardian liability
35256 School Accountability Report Card
35258 School Accountability Report Card
35291 Rules for student discipline
37616 Consultation regarding year-round schedule
39831.5 School bus rider rules and information
44050 Employee codes of conduct, employee interactions with students
44808.5 Permission to leave school grounds
46010.1 Notice regarding excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements
48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements
48205 Absence for personal reasons
48206.3 Students with temporary disabilities; individual instruction; definitions
48207-48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance
48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48301 Interdistrict transfers

~~48350-48361 Open Enrollment Act~~

~~48354 Option to transfer from school identified under Open Enrollment Act~~

~~48357 Status of application for transfer from school identified under Open Enrollment Act~~

48412 Certificate of proficiency
48432.3 Voluntary enrollment in continuation education
48432.5 Involuntary transfers of students
48850-48859 Education of foster youth and homeless students
48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of student to peace officer
48911 Notification in case of suspension
48911.1 Assignment to supervised suspension classroom

48912 Closed sessions; consideration of suspension
48915.1 Expelled students; enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48929 Transfer of student convicted of violent felony or misdemeanor
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification
48982 Parent signature acknowledging receipt of notice
48983 Contents of notice
48984 Activities prohibited unless notice given

Legal Reference continued: (see next page)

BP 5145.6(d)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

48985 Notices to parents in language other than English
48987 Child abuse information
49013 Use of uniform complaint procedures for complaints regarding student fees
49063 Notification of parental rights
49067 Student evaluation; student in danger of failing course
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging content of student record
49073 Release of directory information
49073.6 Student records, social media
49076 Access to student records
49077 Access to information concerning a student in compliance with court order
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student
49451 Physical examinations: parent's refusal to consent
49452.5 Screening for scoliosis
49452.7 Information on type 2 diabetes
49452.8 Oral health assessment
49456 Results of vision or hearing test
49471-49472 Insurance
49475 Student athletes; concussions and head injuries
49476 Student athletes; opioid fact sheet
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
51225.1 Exemption from district graduation requirements
51225.2 Course credits; ~~foster youth, homeless youth, former juvenile court school students and military-connected students~~
51225.3 Graduation requirements; courses that satisfy college entrance criteria
51229 Course of study for grades 7-12
51513 Personal beliefs; privacy
51938 HIV/AIDS and sexual health instruction
52164 Language census
52164.1 Census-taking methods; determination of primary language; assessment of language skills

52164.3 Reassessment of English learners; notification of results
 54444.2 Migrant education programs; parent involvement
 56301 Child-find system; policies regarding written notification rights
 56321 Special education: proposed assessment plan
 56321.5-56321.6 Notice of parent rights pertaining to special education
 56329 Written notice of right to findings; independent assessment
 56341.1 Development of individualized education program; right to audio record meeting
 56341.5 Individualized education program team meetings
 56343.5 Individualized education program meetings
 56521.1 Behavioral intervention
 58501 Alternative schools; notice required prior to establishment
 60615 Exemption from state assessment
 60641 California Assessment of Student Performance and Progress
 69432.9 Submission of grade point average to Cal Grant program

Legal Reference continued: (see next page)

BP 5145.6(e)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

1597.16 Licensed child care centers, lead testing

104420 Tobacco use prevention

104855 Availability of topical fluoride treatment

116277 Lead testing of school drinking water

120365-120375 Immunizations

120440 Sharing immunization information

124100-124105 Health screening and immunizations

PENAL CODE

626.81 Notice of permission granted to sex offender to volunteer on campus

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

852 Exemptions from state assessments

863 Reports of state assessment results

3052 Behavioral intervention

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

4702 Student transfer from school identified under Open Enrollment Act

4917 Notification of sexual harassment policy

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

7704 Impact Aid; policies and procedures related to children residing on Indian lands

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

Legal Reference continued: (see next page)

BP 5145.6(f)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

104.36 Procedural safeguards

104.8 Nondiscrimination

106.8 Notification of contact information for Title IX coordinator

106.9 Dissemination of policy, nondiscrimination on basis of sex

200.48 Teacher qualifications

222.94 Impact Aid; district responsibilities

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

300.503 Prior written notice regarding identification, evaluation, or placement of student with disability

300.504 Procedural safeguards notice for students with disabilities

300.508 Due process complaint

300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

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

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

WEB SITES

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

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

adopted: ~~August 25, 2009 Alameda, California~~ July 2020

~~revised: May 8, 2018~~

PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or

designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 *Prohibited sex discrimination*
231.5 *Sexual harassment policy*
234.7 *Student protections relating to immigration and citizenship status*
262.3 *Appeals for discrimination complaints; information regarding availability of civil remedies*
310 *Language acquisition programs*
313 *Reclassification of English learners, parental consultation*
313.2 *Long-term English learner, notification*
440 *English language proficiency assessment; instruction in English language development*
8483 *Before/after school program; enrollment priorities*
17288 *Building standards for university campuses*
17611.5-17612 *Notification of pesticide use*
32221.5 *Insurance for athletic team members*
32255-32255.6 *Right to refuse harmful or destructive use of animals*
32390 *Fingerprint program; contracts; funding; consent of parent/guardian*
33479.3 *The Eric Paredes Sudden Cardiac Arrest Prevention Act*
35160.5 *Extracurricular and cocurricular activities*
35178.4 *Notice of accreditation status*
35182.5 *Advertising in the classroom*
35183 *School dress codes; uniforms*
35186 *Complaints concerning deficiencies in instructional materials and facilities*
35211 *Driver training; district insurance, parent/guardian liability*
35256 *School Accountability Report Card*
35258 *School Accountability Report Card*
35291 *Rules for student discipline*
37616 *Consultation regarding year-round schedule*
39831.5 *School bus rider rules and information*
44050 *Employee codes of conduct, employee interactions with students*
44808.5 *Permission to leave school grounds*
46010.1 *Notice regarding excuse to obtain confidential medical services*
46014 *Regulations regarding absences for religious purposes*
46600-46611 *Interdistrict attendance agreements*
48000 *Minimum age of admission*
48070.5 *Promotion or retention of students*
48204 *Residency requirements*
48205 *Absence for personal reasons*
48206.3 *Students with temporary disabilities; individual instruction; definitions*
48207-48208 *Students with temporary disabilities in hospitals*
48213 *Prior notice of exclusion from attendance*
48216 *Immunization*
48260.5 *Notice regarding truancy*
48262 *Need for parent conference regarding truancy*
48263 *Referral to school attendance review board or probation department*
48301 *Interdistrict transfers*
48412 *Certificate of proficiency*
48432.3 *Voluntary enrollment in continuation education*
48432.5 *Involuntary transfers of students*
48850-48859 *Education of foster youth and homeless students*
48900.1 *Parental attendance required after suspension*
48904 *Liability of parent/guardian for willful student misconduct*
48904.3 *Withholding grades, diplomas, or transcripts*
48906 *Notification of release of student to peace officer*

48911 Notification in case of suspension
 48911.1 Assignment to supervised suspension classroom
 48912 Closed sessions; consideration of suspension
 48915.1 Expelled students; enrollment in another district
 48916 Readmission procedures
 48918 Rules governing expulsion procedures
 48929 Transfer of student convicted of violent felony or misdemeanor
 48980 Required notification at beginning of term
 48980.3 Notification of pesticide use
 48981 Time and means of notification
 48982 Parent signature acknowledging receipt of notice
 48983 Contents of notice
 48984 Activities prohibited unless notice given
 48985 Notices to parents in language other than English
 48987 Child abuse information
 49013 Use of uniform complaint procedures for complaints regarding student fees
 49063 Notification of parental rights
 49067 Student evaluation; student in danger of failing course
 49068 Transfer of permanent enrollment and scholarship record
 49069 Absolute right to access
 49070 Challenging content of student record
 49073 Release of directory information
 49073.6 Student records, social media
 49076 Access to student records
 49077 Access to information concerning a student in compliance with court order
 49403 Cooperation in control of communicable disease and immunization
 49423 Administration of prescribed medication for student
 49451 Physical examinations: parent's refusal to consent
 49452.5 Screening for scoliosis
 49452.7 Information on type 2 diabetes
 49452.8 Oral health assessment
 49456 Results of vision or hearing test
 49471-49472 Insurance
 49475 Student athletes; concussions and head injuries
 49476 Student athletes; opioid fact sheet
 49480 Continuing medication regimen for nonepisodic conditions
 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
 51225.1 Exemption from district graduation requirements
 51225.2 Course credits
 51225.3 Graduation requirements; courses that satisfy college entrance criteria
 51229 Course of study for grades 7-12
 51513 Personal beliefs; privacy
 51938 HIV/AIDS and sexual health instruction
 52164 Language census
 52164.1 Census-taking methods; determination of primary language; assessment of language skills
 52164.3 Reassessment of English learners; notification of results
 54444.2 Migrant education programs; parent involvement
 56301 Child-find system; policies regarding written notification rights
 56321 Special education: proposed assessment plan
 56321.5-56321.6 Notice of parent rights pertaining to special education
 56329 Written notice of right to findings; independent assessment
 56341.1 Development of individualized education program; right to audio record meeting
 56341.5 Individualized education program team meetings
 56343.5 Individualized education program meetings
 56521.1 Behavioral intervention
 58501 Alternative schools; notice required prior to establishment
 60615 Exemption from state assessment

60641 *California Assessment of Student Performance and Progress*
69432.9 *Submission of grade point average to Cal Grant program*
CIVIL CODE
1798.29 *District records, breach of security*
HEALTH AND SAFETY CODE
1596.857 *Right to enter child care facility*
1597.16 *Licensed child care centers, lead testing*
104420 *Tobacco use prevention*
104855 *Availability of topical fluoride treatment*
116277 *Lead testing of school drinking water*
120365-120375 *Immunizations*
120440 *Sharing immunization information*
124100-124105 *Health screening and immunizations*
PENAL CODE
626.81 *Notice of permission granted to sex offender to volunteer on campus*
627.5 *Hearing request following denial or revocation of registration*
CODE OF REGULATIONS, TITLE 5
852 *Exemptions from state assessments*
863 *Reports of state assessment results*
3052 *Behavioral intervention*
4622 *Notification of uniform complaint procedures*
4631 *Uniform complaint procedures; notification of decision and right to appeal*
4917 *Notification of sexual harassment policy*
11303 *Reclassification of English learners*
11511.5 *English language proficiency assessment; test results*
11523 *Notice of proficiency examinations*
18066 *Child care policies regarding excused and unexcused absences*
18094-18095 *Notice of Action; child care services*
18114 *Notice of delinquent fees; child care services*
18118-18119 *Notice of Action; child care services*
CODE OF REGULATIONS, TITLE 17
2951 *Hearing tests*
6040 *Time period to obtain needed immunizations*
UNITED STATES CODE, TITLE 20
1232g *Family Educational and Privacy Rights Act*
1232h *Privacy rights*
1415 *Procedural safeguards*
6311 *State plan*
6312 *Local educational agency plans*
6318 *Parent and family engagement*
7704 *Impact Aid; policies and procedures related to children residing on Indian lands*
7908 *Armed forces recruiter access to students*
UNITED STATES CODE, TITLE 42
1758 *Child nutrition programs*
11431-11435 *McKinney-Vento Homeless Assistance Act*
CODE OF FEDERAL REGULATIONS, TITLE 7
245.5 *Eligibility criteria for free and reduced-price meals*
245.6a *Verification of eligibility for free and reduced-price meals*
CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 *Student records, annual notification*
99.30 *Disclosure of personally identifiable information*
99.34 *Student records, disclosure to other educational agencies*
99.37 *Disclosure of directory information*
104.32 *District responsibility to provide free appropriate public education*
104.36 *Procedural safeguards*
104.8 *Nondiscrimination*
106.8 *Notification of contact information for Title IX coordinator*
106.9 *Dissemination of policy, nondiscrimination on basis of sex*
200.48 *Teacher qualifications*

222.94 *Impact Aid; district responsibilities*
300.300 *Parent consent for special education evaluation*
300.322 *Parent participation in IEP team meetings*
300.502 *Independent educational evaluation of student with disability*
300.503 *Prior written notice regarding identification, evaluation, or placement of student with disability*
300.504 *Procedural safeguards notice for students with disabilities*
300.508 *Due process complaint*
300.530 *Discipline procedures*
CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 *Asbestos inspections, response actions and post-response actions*
763.93 *Asbestos management plans*

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
WEB SITES
U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: May 8, 2018

revised:

SEXUAL HARASSMENT

~~**Cautionary Notice:** The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.~~

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint ~~procedures or uniform or allegation that is dismissed or denied under the Title IX complaint procedures, as applicable, and procedure may still be subject to consideration under state law, the Title IX Coordinator shall offer supportive measures to the complainant~~ ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing

it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

BP 5145.7(b)

SEXUAL HARASSMENT (continued)

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence-
2. A clear message that students do not have to endure sexual harassment under any circumstance-
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained-
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved-
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students. All reports of sexual harassment shall be reported to the Title IX Coordinator no later than 24 hours after a report is received by District personnel.
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made-
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues-
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation-

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

BP 5145.7(c)

SEXUAL HARASSMENT (continued)

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

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

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

Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*
48900 *Grounds for suspension or expulsion*
48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
48904 *Liability of parent/guardian for willful student misconduct*
48980 *Notice at beginning of term*
48985 *Notices, report, statements and records in primary language*

CIVIL CODE

51.9 *Liability for sexual harassment; business, service and professional relationships*
1714.1 *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*
4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1092 *Definition of sexual assault*
1221 *Application of laws*
1232g *Family Educational Rights and Privacy Act*
1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 34

12291 *Definition of dating violence, domestic violence, and stalking*

UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*
2000d-2000d-7 *Title VI, Civil Rights Act of 1964*
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*
106.1-106.82 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

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

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

Q&A on Campus Sexual Misconduct, September 2017

Management Resources continued: (see next page)

BP 5145.7(e)

SEXUAL HARASSMENT (continued)

Management Resources: (continued)

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: -Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

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

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

adopted: ~~November 15, 2016~~

revised: _____ October ~~27,~~ 2020

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students. All reports of sexual harassment shall be reported to the Title IX Coordinator no later than 24 hours after a report is received by District personnel.
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - *Employment Status Report*)
(cf. 4118 - *Dismissal/Suspension/Disciplinary Action*)
(cf. 4119.11/4219.11/4319.11 - *Sexual Harassment*)
(cf. 4218 - *Dismissal/Suspension/Disciplinary Action*)

Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - *District Records*)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*
48900 *Grounds for suspension or expulsion*
48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
48904 *Liability of parent/guardian for willful student misconduct*
48980 *Notice at beginning of term*
48985 *Notices, report, statements and records in primary language*

CIVIL CODE

51.9 *Liability for sexual harassment; business, service and professional relationships*
1714.1 *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*
4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1092 *Definition of sexual assault*
1221 *Application of laws*
1232g *Family Educational Rights and Privacy Act*
1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 34

12291 *Definition of dating violence, domestic violence, and stalking*

UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*
2000d-2000d-7 *Title VI, Civil Rights Act of 1964*
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 *Family Educational Rights and Privacy*
106.1-106.82 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

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

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

Q&A on Campus Sexual Misconduct, September 2017

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: November 15, 2016

revised: October 27, 2020

revised:

PHYSICAL EDUCATION AND ACTIVITY

~~Physical Education And Activity~~

~~← Previous~~ | ~~Next →~~

The Governing Board recognizes the positive benefits of physical activity on student health, well-being, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

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

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

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, gender expression, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

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

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

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

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

The district's physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in the accompanying administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

~~High school students are required to take two years of Physical Education unless exempted per Board Policy. They must take 9th grade PE, and it is recommended they take 10th grade PE. However, the second year may be taken in 11th or 12th grade if necessary. Students may be exempted from a second year of PE pursuant to Board Policy.~~

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling,

individual and dual sports, rhythms and dance, team sports, and combatives. ~~(Education Code 33352; 5 CCR 10060)~~ (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

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

(cf. ~~6146.11~~ 6146.11 - Alternative Credits Toward Graduation)

BP 6142.7(b)

PHYSICAL EDUCATION AND ACTIVITY (continued)

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

~~The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.~~

~~The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.~~

(cf. 1330.1 - Joint Use Agreements)

(cf. 5142.2 - Safe Routes to School Program)

(cf. 5148 - Child Care and Development Program)

(cf. ~~0410~~ 5148.2 - Before/After School Programs)

(cf. ~~and 6145~~ 6145 - Extracurricular and Cocurricular Activities)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. ~~6159~~ 6159 - Individualized Education Program)

(cf. ~~6164.6~~ 6164.6 - Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. ~~3514~~ 3514 - Environmental Safety)

(cf. ~~5141.7~~ 5141.7 - Sun Safety)

~~The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.~~

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

~~(cf. 5142.2 - Safe Routes to School Program)~~

~~(cf. 5141.23 - Asthma Management)~~

~~(cf. 6145.2 - Athletic Competition)~~

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

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

~~(cf. 6145 - Extracurricular and Cocurricular Activities)~~

Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

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

~~(cf. 4112.2- 4112.2 - Certification)~~

~~(cf. 4112.21 - Interns)~~

~~(cf. 4112.21 - Interns)~~

~~(cf. 4113- 4113 - Assignment)~~

~~(cf. 4222- 4222 - Teacher Aides/Paraprofessionals)~~

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

~~(cf. 4131- 4131 - Staff Development)~~

~~(cf. 5121- 5121 - Grades/Evaluation of Student Achievement)~~

BP 6142.7(c)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Physical Fitness Testing

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. ~~(Education Code 60800; 5 CCR 1041)~~ (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet the student's needs cannot be provided.
2. The student is enrolled for one-half time or less.

Each student's scores on the physical performance test shall be included in his/her cumulative record. (5 CCR 1044)

Two-Year Exemptions

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

~~(cf. 5125 - Student Records)~~

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted**Temporary Exemptions**

~~The Superintendent or designee may grant a student a temporary two-year exemption from~~shall be offered a variety of elective physical education under either of the following conditions: courses of not less than 400 minutes each 10 school days. (Education Code 51241) 33352, 51222)

- ~~1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.~~

~~2.~~

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

~~The student is enrolled for one-half time or less.~~

~~(cf. 6112 - 6112 - School Day)~~

Permanent Exemptions

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

BP 6142.7(d)

PHYSICAL EDUCATION AND ACTIVITY (continued)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than the student would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Students who have been granted a permanent exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352)

Other Exemptions

The Superintendent or designee may grant a student an exemption from ~~a second year of~~ physical education under the following special circumstances:

~~1. The student meets BOTH of the following criteria:~~

~~a. Is~~

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

~~(cf. 6178.2 - Regional Occupational Center/Program)~~

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code ~~51242~~ 51242)

~~b. Satisfactorily meets at least five of the six standards of the physical fitness test administered in grade 9 pursuant to section 60800. (Education Code 51241(b)(1))~~

~~The Board of Education shall grant a permanent exemption from one or two years of physical education for any pupil who is 16 years or older, has been enrolled in grade 10 for one academic year or longer (Education Code 51241 (e)(1)), AND, in the board's determination, requires an exemption to meet state or federal legal requirements.~~

~~Marching band and pep teams are not physical education courses and do not meet the objectives and criteria of Education Code 51220.~~

~~Physical activity shall not be used as punishment.~~

~~Physical Activity~~

~~Separate and different from Physical Education, physical activity is any structured or unstructured movement activity that promotes exertion and gross motor movement and skills. Examples include recess, noon league, intramural and recreation programs, dance, cheerleading/pep squads, et cetera.~~

~~Recess~~

~~There shall be a minimum of 20 minutes of recess per full day at elementary sites, in addition to lunch recess. (It is recommended that 1st 3rd grade have three 10 minute recess periods and 4th 5th have two 10 minute recesses each full day of school.)~~

~~Withholding of recess or other student breaks shall not be used except for student safety.~~

(cf. ~~6145.2~~ 6145.2 - Athletic Competition)

Program Evaluation

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. ~~He/she~~ The Superintendent or designee shall also report to the Board regarding the number of instructional minutes offered in

BP 6142.7(e)

PHYSICAL EDUCATION AND ACTIVITY (continued)

physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code ~~51241~~, 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity and student well-being.

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

(cf. ~~6190~~ 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Legal Reference:

EDUCATION CODE

33126-220 *Prohibition of discrimination*

221.5 *Sex equity in education*

33126 *School accountability report card*

33350-33354-33350-33354 *CDE responsibilities re: physical education*

35256-35256 *School accountability report card*

44250-44277 *Credential types*

49066-44250-44277 *Credential types*

49066 *Grades; physical education class*

51210-51210 *Course of study, grades 1-6*

51220-51220 *Course of study, grades 7-12*

51222-51222 *Physical education*

51223-51223 *Physical education, elementary schools*

51241-51241 *Temporary, two-year or permanent exemption from physical education*

51242-51242 *Exemption from physical education for athletic program participants*

~~52316-52316~~ *Excuse from attending physical education classes; regional occupational center/program*
~~60800-60800~~ *Physical performance test*
CODE OF REGULATIONS, TITLE 5

~~1040-1048 Physical performance test~~

~~3051.5-1040-1044~~ *Physical performance test*
~~1047-1048~~ *Testing variations and accommodations*
~~3051.5~~ *Adapted physical education for individuals with exceptional needs*

~~4600-4687 Uniform complaint procedures~~

~~10060-4600-4670~~ *Uniform complaint procedures*
~~4900-4965~~ *Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance*
~~10060~~ *Criteria for high school physical education programs*
~~80020-80020~~ *Additional assignment authorizations for specific credentials*
~~80037-80037~~ *Designated subjects teaching credential; special teaching authorization in physical education*
~~80046.1-80046.1~~ *Added authorization to teach adapted physical education*
UNITED STATES CODE, TITLE 29
~~794-794~~ *Rehabilitation Act of 1973, Section 504*
UNITED STATES CODE, TITLE 42
~~1758b-1758b~~ *Local wellness policy*
CODE OF FEDERAL REGULATIONS, TITLE 34
~~106.33~~ *Nondiscrimination on the basis of sex; comparable facilities*
~~106.34~~ *Nondiscrimination on the basis of sex; access to classes and schools*
~~300.108~~ *Assistance to states for the education of children with disabilities; physical education*
ATTORNEY GENERAL OPINIONS
~~53~~ *Ops.Cal.Atty.Gen. 230 (1970)*
COURT DECISIONS
~~Doe v. Albany Unified School District~~ (2010) 190 Cal.App.4th 668
~~Cal200 et al. v. San Francisco Unified School District et al.~~ (2013), San Francisco Superior Court, Case No. CGC-13-534975
~~Cal200 et al. v. Oakland Unified School District et al.~~ (San Francisco Superior Court, Case No. CPF-14-513959

~~Policy ALAMEDA UNIFIED SCHOOL DISTRICT~~

~~adopted:~~

~~Management Resources: (see next page)~~

BP 6142.7(g)

PHYSICAL EDUCATION AND ACTIVITY (continued)

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 15, 2016 Alameda, 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Physical Education and California Schools, Policy Brief, October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2017

School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2019

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Physical Activity Guidelines for Americans, 2nd Edition, 2018

WEB SITES

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

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

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

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <https://www.pgpedia.com/n/national-association-sport-and-physical-education>

President's Council on Sports, Fitness and Nutrition: <http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

Policy
adopted:

CSBA MANUAL MAINTENANCE SERVICE
July 2020

PHYSICAL EDUCATION AND ACTIVITY

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(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - Joint Use Agreements)
(cf. 5142.2 - Safe Routes to School Program)
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(cf. 5148.2 - Before/After School Programs)
(cf. 6145 - Extracurricular and Cocurricular Activities)

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(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)
(cf. 5141.7 - Sun Safety)
(cf. 5141.23 - Asthma Management)
(cf. 6145.2 - Athletic Competition)

Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4222 - Teacher Aides/Paraprofessionals)

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(cf. 4131 - Staff Development)
(cf. 5121 - Grades/Evaluation of Student Achievement)

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The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet the student's needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352, 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

Permanent Exemptions

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than the student would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Students who have been granted a permanent exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352)

Other Exemptions

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - *Regional Occupational Center/Program*)

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - *Athletic Competition*)

Program Evaluation

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. The Superintendent or designee shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity and student well-being.

(cf. 0500 - *Accountability*)

(cf. 6190 - *Evaluation of the Instructional Program*)

Legal Reference:

EDUCATION CODE

220 *Prohibition of discrimination*

221.5 *Sex equity in education*

33126 *School accountability report card*

33350-33354 *CDE responsibilities re: physical education*

35256 *School accountability report card*

44250-44277 *Credential types*

49066 *Grades; physical education class*

51210 *Course of study, grades 1-6*

51220 *Course of study, grades 7-12*

51222 *Physical education*

51223 *Physical education, elementary schools*

51241 *Temporary, two-year or permanent exemption from physical education*

51242 *Exemption from physical education for athletic program participants*

52316 *Excuse from attending physical education classes; regional occupational center/program*
 60800 *Physical performance test*
CODE OF REGULATIONS, TITLE 5
 1040-1044 *Physical performance test*
 1047-1048 *Testing variations and accommodations*
 3051.5 *Adapted physical education for individuals with exceptional needs*
 4600-4670 *Uniform complaint procedures*
 4900-4965 *Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance*
 10060 *Criteria for high school physical education programs*
 80020 *Additional assignment authorizations for specific credentials*
 80037 *Designated subjects teaching credential; special teaching authorization in physical education*
 80046.1 *Added authorization to teach adapted physical education*
UNITED STATES CODE, TITLE 29
 794 *Rehabilitation Act of 1973, Section 504*
UNITED STATES CODE, TITLE 42
 1758b *Local wellness policy*
CODE OF FEDERAL REGULATIONS, TITLE 34
 106.33 *Nondiscrimination on the basis of sex; comparable facilities*
 106.34 *Nondiscrimination on the basis of sex; access to classes and schools*
 300.108 *Assistance to states for the education of children with disabilities; physical education*
ATTORNEY GENERAL OPINIONS
 53 *Ops.Cal.Atty.Gen.* 230 (1970)
COURT DECISIONS
Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668
Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975
Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012
Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009
Physical Education and California Schools, Policy Brief, October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009
Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2017
School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2019

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Physical Activity Guidelines for Americans, 2nd Edition, 2018

WEB SITES

CSBA: <http://www.csba.org>
 California Department of Education: <http://www.cde.ca.gov>
 California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):
<http://www.californiaprojectlean.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
Healthy People 2010: <http://www.healthypeople.gov>
National Association for Sport and Physical Education: <https://www.pgpedia.com/n/national-association-sport-and-physical-education>
President's Council on Sports, Fitness and Nutrition: <http://www.fitness.gov>
U.S. Department of Health and Human Services: <http://www.health.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: November 15, 2016 Alameda, California

revised:

~~Certificate Of Proficiency/High School Equivalency~~

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Instruction

BP 6146.2(a)

CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY

The Governing Board of Education desires that every student have the opportunity to earn a high school diploma through successful completion of ~~class work and examination district graduation requirements~~. However, when a student is unable to do so, the Board encourages completion of an alternative program that allows ~~him/her~~ the student to obtain an equivalent certificate.

(cf. 5147 - Dropout Prevention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6200 - Adult Education)

Eligible persons who pass the California High School Proficiency Examination may obtain a certificate of proficiency ~~or from the State Board of Education (SBE)~~. Eligible persons who pass a general educational development test designated by the SBE may obtain a high school equivalency certificate ~~in accordance with law, Board policy and administrative regulation, from the testing service~~.

The Superintendent or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

(cf. 6164.2 - Guidance/Counseling Services)

Interested persons shall register for the test directly with the testing service and pay the applicable fee. However, the fee shall be waived for a homeless or foster youth who is under age 25 years, meets all other registration requirements, and submits certification of homeless or foster youth status. (Education Code 48412; 5 CCR 11524-11526, 11533-11534.1)

Legal Reference: (see next page)

CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY (continued)

Legal Reference:

EDUCATION CODE

~~48400-48403~~ 48400-48403 Persons subject to compulsory continuation education

~~48410-48410~~ Persons exempt from continuation classes

~~48412-48412~~ Certificate of proficiency; examination fees

~~48413-48413~~ Enrollment in continuation classes

~~48414-48414~~ Reenrollment in district

~~51420-51427~~ 51420-51427 High school equivalency certificate

~~52052~~ Accountability; numerically significant student subgroups

CODE OF REGULATIONS, TITLE 5

~~11520-11523~~ 11520-11523 Proficiency examination and certificate

~~11530-11532~~ 11530-11532 High school equivalency certificate ~~(GED)~~

Management Resources:

CDE PUBLICATIONS

Adult Education Handbook for California, 1997

WEB SITES

CDE, GED Office: <http://www.cde.ca.gov/ged>

~~CDE~~, California Department of Education, California High School

Proficiency: ~~<http://www.cde.ca.gov/statetests/chspe>~~ Examination: <http://www.cde.ca.gov/ta/tg/sp>

California Department of Education, High School Equivalency Tests: <http://www.cde.ca.gov/ta/tg/gd>

California High School Proficiency Examination: <https://www.chspe.net>

General Educational Development Test: <https://ged.com>

High School Equivalency Test: <https://hiset.ets.org>

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

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

December 2020

CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY

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(cf. 5147 - Dropout Prevention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6200 - Adult Education)

Eligible persons who pass the California High School Proficiency Examination may obtain a certificate of proficiency from the State Board of Education (SBE). Eligible persons who pass a general educational development test designated by the SBE may obtain a high school equivalency certificate from the testing service.

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(cf. 6164.2 - Guidance/Counseling Services)

Interested persons shall register for the test directly with the testing service and pay the applicable fee. However, the fee shall be waived for a homeless or foster youth who is under age 25 years, meets all other registration requirements, and submits certification of homeless or foster youth status. (Education Code 48412; 5 CCR 11524-11526, 11533-11534.1)

Legal Reference:

EDUCATION CODE

48400-48403 *Persons subject to compulsory continuation education*

48410 *Persons exempt from continuation classes*

48412 *Certificate of proficiency; examination fees*

48413 *Enrollment in continuation classes*

48414 *Reenrollment in district*

51420-51427 *High school equivalency certificate*

52052 *Accountability; numerically significant student subgroups*

CODE OF REGULATIONS, TITLE 5

11520-11523 *Proficiency examination and certificate*

11530-11532 *High school equivalency certificate*

Management Resources:

WEB SITES

California Department of Education, California High School Proficiency Examination:

<http://www.cde.ca.gov/ta/tg/sp>

California Department of Education, High School Equivalency Tests: <http://www.cde.ca.gov/ta/tg/gd>

California High School Proficiency Examination: <https://www.chspe.net>

General Educational Development Test: <https://ged.com>

High School Equivalency Test: <https://hiset.ets.org>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Individualized Education Program

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Instruction

BP 6159(a)

INDIVIDUALIZED EDUCATION PROGRAM

The Governing Board of Education desires to provide ~~educational alternatives that afford students with disabilities~~ full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education ~~and (FAPE) and, to the maximum extent possible, shall be placed~~ educated in the least restrictive environment with nondisabled students.

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

(cf. 6164.6 - Identification and Education Under Section 504)

For each student with disabilities, an individualized education program (IEP) shall be developed ~~which meets their needs to the extent identifies the special education instruction and related services to be provided by law.~~

to the student. The Superintendent or designee shall develop administrative regulations regarding the ~~appointment~~ membership of the ~~individualized education program (IEP)~~ team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision ~~of the IEP processes.~~

~~To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)~~

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school

3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

Legal Reference: (see next page)

BP 6159(b)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

51225.3-46392 *Emergencies*

51225.3 *Requirements for high school graduation and diploma*

56055-56040.3 *Assistive technology*

56055 *Rights of foster parents pertaining to foster child's education*

56136-56136 *Guidelines for low incidence disabilities areas*

56195.8-56195.8 *Adoption of policies*

56321-56321 *Development or revision of IEP*

56321.5-56321.5 *Notice to include right to electronically record*

56340.1-56347-56340.1-56347 *Instructional planning and individualized education program*

56350-56352-56350-56354 *IEP for visually impaired students*

56380-56380 *IEP reviews; notice of right to request*

56390-56392-56390-56392 *Certificate of completion, special education*

56500-56509 *Procedural safeguards*

60640-60649 *Standardized Testing and Reporting Program*

60850 *High school exit examination, students with disabilities*

60852.3 *High school exit examination, exemption for the class of 2006*

56500-56509 *Procedural safeguards*

60640-60649 *California Assessment of Student Performance and Progress*

FAMILY CODE

6500-6502 *Age of majority*

6500-6502 *Age of majority*

GOVERNMENT CODE

~~7572.5-7572.5~~ *Seriously emotionally disturbed child, expanded IEP team*

WELFARE AND INSTITUTIONS CODE

~~300-300~~ *Children subject to jurisdiction*

~~601-601~~ *Minors habitually disobedient*

~~602-602~~ *Minors violating law defined as crime*

CODE OF REGULATIONS, TITLE 5

~~853-853.5~~ *Standardized Testing and Reporting Program, accommodations*

~~1215.5-1218~~ *High School Exit Examination, accommodations for students with disabilities*

~~3021-3029~~ *853-853.5 State assessments, accommodations*

~~3021-3029~~ *Identification, referral and assessment*

~~3040-3043~~ *3040-3043 Instructional planning and the individualized education program*

~~3051-3053~~ *Implementation of the individualized education program*

UNITED STATES CODE, TITLE 20

~~1232g-1232g~~ *Family Educational Rights and Privacy Act of 1974*

~~1400-1482~~ *1400-1482 Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

~~300.1-300.818~~ *300.1-300.818 Individuals with Disabilities Education Act*

COURT DECISIONS

Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072

Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 157 (2002)

Management Resources: (see next page)

FEDERAL REGISTER

~~Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845~~

BP 6159(c)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)

California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative
Services: ~~<http://www.ed.gov/about/offices/list/osep>~~
~~<http://www.ed.gov/about/offices/list/osep>~~

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

adopted: ~~August 25, 2009 Alameda, California~~ July 2020

INDIVIDUALIZED EDUCATION PROGRAM

The Governing Board desires to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

(cf. 6164.6 - Identification and Education Under Section 504)

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

Legal Reference:

EDUCATION CODE

46392 Emergencies

51225.3 Requirements for high school graduation and diploma

56040.3 Assistive technology

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

56340.1-56347 Instructional planning and individualized education program

56350-56354 IEP for visually impaired students

56380 IEP reviews; notice of right to request

56390-56392 *Certificate of completion, special education*
 56500-56509 *Procedural safeguards*
 60640-60649 *California Assessment of Student Performance and Progress*
FAMILY CODE
 6500-6502 *Age of majority*
GOVERNMENT CODE
 7572.5 *Seriously emotionally disturbed child, expanded IEP team*
WELFARE AND INSTITUTIONS CODE
 300 *Children subject to jurisdiction*
 601 *Minors habitually disobedient*
 602 *Minors violating law defined as crime*
CODE OF REGULATIONS, TITLE 5
 853-853.5 *State assessments, accommodations*
 3021-3029 *Identification, referral and assessment*
 3040-3043 *Instructional planning and the individualized education program*
 3051-3053 *Implementation of the individualized education program*
UNITED STATES CODE, TITLE 20
 1232g *Family Educational Rights and Privacy Act of 1974*
 1400-1482 *Individuals with Disabilities Education Act*
CODE OF FEDERAL REGULATIONS, TITLE 34
 300.1-300.818 *Individuals with Disabilities Education Act*
COURT DECISIONS
Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773
Schaffer v. Weast (2005) 125 S. Ct. 528
Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072
Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988
ATTORNEY GENERAL OPINIONS
 85 *Ops.Cal.Atty.Gen.* 157 (2002)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)
California Practitioners' Guide for Educating English Learners with Disabilities, July 2019
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/about/offices/list/osep>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

Procedural Safeguards And Complaints For Special Education

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Instruction

BP 6159.1(a)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

The Governing Board of Education ~~desires~~ recognizes its obligation to protect the rights of provide a free appropriate public education (FAPE) to students with disabilities in accordance with the procedural safeguards set forth in state and federal law to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

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

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

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

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

~~The Superintendent or designee shall address a~~

Any complaint concerning compliance alleging the district's noncompliance with federal or state laws or federal law regarding special regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with the district's uniform complaint procedures5 CCR 3200-3205.

Legal Reference: (see next page)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Legal Reference:

EDUCATION CODE

~~56000~~ ~~56000~~ *Education for individuals with disabilities*

~~56001~~ ~~56001~~ *Provision of the special education programs*

~~56020~~ ~~56035~~ *Definitions*

~~56195.7~~ ~~56020-56035~~ *Definitions*

~~56195.7~~ *Written agreements*

~~56195.8~~ ~~56195.8~~ *Adoption of policies for programs and services*

~~56300~~ ~~56385~~ ~~56300-56385~~ *Identification and referral, assessment*

~~56440~~ ~~56447.1~~ ~~56440-56447.1~~ *Programs for individuals between the ages of three and five years*

~~56500~~ ~~56509~~ ~~56500-56509~~ *Procedural safeguards, including due process rights*

~~56600~~ ~~56606~~ ~~56600-56606~~ *Evaluation, audits and information*

CODE OF REGULATIONS, TITLE 5

~~3000~~ ~~3100~~ ~~3000-3100~~ *Regulations governing special education, especially:*

~~4600~~ ~~4671~~ *Uniform complaint procedures*

~~3080-3089~~ *Procedural safeguards*

~~3200-3205~~ *Special education compliance complaints*

UNITED STATES CODE, TITLE 20

~~1232g~~ ~~1232g~~ *Family Educational Rights and Privacy Act*

~~1400~~ ~~1482~~ ~~1400-1482~~ *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

~~794~~ ~~794~~ *Section 504 of the Rehabilitation Act*

UNITED STATES CODE, TITLE 42

~~11434~~ ~~11434~~ *Homeless assistance*

CODE OF FEDERAL REGULATIONS, TITLE 34

~~99.10~~ ~~99.22~~ ~~99.10-99.22~~ *Inspection, review and procedures for amending education records*

~~104.36~~ ~~104.36~~ *Procedural safeguards*

~~300.1~~ ~~300.818~~ ~~300.1-300.818~~ *Assistance to states for the education of students with disabilities, especially:*

~~300.500~~ ~~300.520~~ ~~300.150-300.153~~ *State compliance complaints*

~~300.500-300.520~~ *Procedural safeguards and due process for parents and students*

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

Management Resources:

~~FEDERAL REGISTER~~

~~Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029~~

WEB SITES

California Department of Education, Special Education: ~~<http://www.cde.ca.gov/sp/se>~~

~~<http://www.cde.ca.gov/sp/se>~~

Office of Administrative Hearings, Special Education Division:

~~<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>~~

U.S. Department of Education, Office of Special Education

Programs: ~~<http://www.ed.gov/about/offices/list/osers/osep>~~

~~<http://www.ed.gov/about/offices/list/osers/osep>~~

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

adopted: ~~August 25, 2009 Alameda, California~~ July 2020

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

The Governing Board recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

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

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

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

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

Any complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.

Legal Reference:

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, especially:

3080-3089 Procedural safeguards

3200-3205 Special education compliance complaints

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.150-300.153 State compliance complaints

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

Management Resources:

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

Office of Administrative Hearings, Special Education Division:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised:

~~Nonpublic, Nonsectarian School And Agency Services For Special Education~~

~~← Previous~~ | ~~Next →~~

Instruction

BP 6159.2(a)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board of Education recognizes its responsibility to provide ~~all district students, including students with disabilities,~~ a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency ~~to meet the students' needs~~ (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

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

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

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

(cf. ~~4112.23~~ - Special Education Staff)

(cf. ~~6146.4~~ - Differential Graduation and Competency Standards for Students with Disabilities)

~~In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.~~

Prior to entering into a contract to place any student in ~~a nonpublic, nonsectarian school or agency~~ an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code ~~56366~~ 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any ~~nonpublic, nonsectarian school~~ NPS/A with which the district has a contract to ensure that the ~~school or agency's~~ certification has not expired.

No district student shall be placed in ~~a nonpublic, nonsectarian school or agency~~ an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the ~~nonpublic, nonsectarian school or agency~~ placement is appropriate for the student. (Education Code 56342.1)

(cf. 6159 - Individualized Education Program)

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in ~~a nonpublic, nonsectarian school or agency~~ NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, ~~the~~ procedural safeguards, due process rights, and periodic review of ~~his/her~~ the student's IEP. ~~(Education Code 56195.8, 56342.1)~~

~~(cf. 6159 Individualized Education Program)~~

~~(cf. 6159.1 6159.1 - Procedural Safeguards and Complaints for Special Education)~~

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

During the period when any student with disabilities is placed in ~~a nonpublic, nonsectarian school or agency~~ NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in ~~his/her~~ the IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

~~In accordance with Education Code 56366.2, the~~

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code ~~56365, 56366, 56366.3, and 56366.6.~~ 56365, 56366, and 56366.6. (Education Code 56366.2)

BP 6159.2(b)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

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

Legal Reference:

EDUCATION CODE

~~56034 56035 56034-56035~~ Definitions of nonpublic, nonsectarian school and agency

~~56042 56042~~ Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

~~56168 56101~~ Waivers

56163 Certification

~~56168~~ Responsibility for education of student in hospital or health facility school

~~56195.8~~ ~~56195.8~~ Adoption of policies

~~56342.1~~ ~~56342.1~~ Individualized education program; placement

~~56360~~ ~~56369~~ ~~56360-56369~~ Implementation of special education

~~56711~~ ~~56711~~ Computation of state aid

~~56740~~ ~~56743~~ Apportionments and reports

~~56760~~ ~~56740-56743~~ Apportionments and reports

~~56760~~ Annual budget plan; service proportions

~~56775.5~~ ~~56775.5~~ Reimbursement of assessment and identification costs

~~56836.20-56836.21~~ Special education funding; SELPA contracts with nonpublic nonsectarian schools

FAMILY CODE

~~7911~~ ~~7912~~ ~~7911-7912~~ Interstate compact on placement of children

GOVERNMENT CODE

~~7570~~ ~~7588~~ ~~7570-7587~~ Interagency responsibilities for providing services to disabled children ~~with disabilities~~; especially:

~~7572.55~~ ~~7572.55~~ Seriously emotionally disturbed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

~~362.2~~ ~~362.2~~ Out-of-home placement for IEP

~~727.1~~ ~~727.1~~ Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

~~3060~~ ~~3070~~ ~~3001~~ Definitions

~~3051-3051.24~~ Special education; standards for related services and staff qualifications

~~3060-3070~~ Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

~~1400~~ ~~1400~~ ~~1487~~ Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

~~300.129~~ ~~300.148~~ ~~300.129-300.148~~ Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

~~Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845~~

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative

~~Services: <http://www.ed.gov/about/offices/list/osers>~~ <http://www.ed.gov/about/offices/list/osers>

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

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

July 2020

revised: June 25, 2013

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

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

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student shall be placed in an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the placement is appropriate for the student. (Education Code 56342.1)

(cf. 6159 - Individualized Education Program)

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

(cf. 1431 - Waivers)

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

56168 Responsibility for education of student in hospital or health facility school

56195.8 Adoption of policies

56342.1 Individualized education program; placement

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

56836.20-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7587 Interagency responsibilities for providing services to disabled children; especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

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CODE OF REGULATIONS, TITLE 5

3001 Definitions

3051-3051.24 Special education; standards for related services and staff qualifications

3060-3070 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: August 25, 2009 Alameda, California

revised: June 25, 2013

revised:

~~Selection And Evaluation Of Instructional Materials~~

~~← Previous~~ | ~~Next →~~

~~Instruction~~

BP 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect and value society's diversity, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

~~(cf. 0440- 0410 - Nondiscrimination in District Programs and Activities)~~

~~(cf. 0415 - Equity)~~

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

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

~~(cf. 6000- 6000 - Concepts and Roles)~~

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

~~(cf. 6141 (cf. 6141- Curriculum Development and Evaluation)~~

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

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

~~(cf. 6161.11 (cf. 6161.11- Supplementary Instructional Materials)~~

~~(cf. 6162.5 (cf. 6162.5- Student Assessment)~~

~~(cf. 6163.1 (cf. 6163.1- Library Media Centers)~~

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or that have ~~otherwise, during the district's review process,~~ been determined to be aligned with the state academic content standards adopted pursuant to by SBE. ~~(Education Code 60605 or the Common Core State Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210) 60200, 60210)~~

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and the accompanying administrative regulation. ~~(Education Code 60400) 60400)~~

In Review Process

~~The Superintendent selecting or designee shall establish a process by which adopting instructional materials, the Board shall be reviewed for consider the recommendation to the Board. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.~~

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

The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code ~~60002~~)

~~(cf. 6020—Parent Involvement)~~

~~In addition, the instructional materials review committee may include administrators, other staff who have subject matter expertise, and students as appropriate.~~

~~If the district chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area and/or grade level of the materials. (Education Code 60210)an advisory committee established to review the materials.~~

~~Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.~~

~~(cf. 9270—Conflict of Interest)~~

~~The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.~~

~~All recommended instructional materials shall be available for public inspection at the district office.~~

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

~~The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.~~

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's ~~textbooks and other~~ instructional materials, including textbooks, technology-based materials, other educational materials, and tests. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, databases, and the electronic equipment required to make use of those materials by students and teachers as a learning resource. (Education Code ~~60119~~) 60010, 60119)

BP 6161.1(b)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code ~~60119~~ 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code ~~60119~~ 60119)

(cf. ~~9322~~ 9322 - Agenda/Meeting Materials)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or other instructional materials ~~which that~~ are aligned to the ~~state~~ content standards adopted ~~pursuant to Education Code 60605 or the Common Core State Standards adopted pursuant to Education Code 60605.8 and which are by SBE~~ and consistent with the content and cycles of the ~~state's~~ curriculum ~~frameworks. Sufficiency of instructional materials shall be determined~~ framework adopted by SBE in each of the following subjects: (Education Code ~~60119~~ 60119)

1.- Mathematics

(cf. ~~6142.92~~ 6142.92 - Mathematics Instruction)

2.- Science

(cf. ~~6142.93~~ 6142.93 - Science Instruction)

3.- History-social science

(cf. ~~6142.94~~ 6142.94 - History-Social Science Instruction)

4.- English language arts, including the English language development component of an adopted program

(cf. ~~6142.91~~ ~~English~~ 6142.91 - Reading/Language Arts Instruction)

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

5.- World/~~foreign~~ language

(cf. ~~6142.2~~ 6142.2 - World/~~Foreign~~ Language Instruction)

6.- Health

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

BP 6161.1(c)

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. ~~(Education Code 60119) 60119)~~

In making these determinations, the Board shall consider whether each student has sufficient textbooks ~~and/or~~ other instructional materials to use in class and to take home. ~~However, this~~ This does not require that each student have two sets of materials. ~~The~~ However, materials ~~may~~ shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

If materials are in a digital format, they shall be considered sufficient as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district, and has the ability to use and access them at home. ~~However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.~~ (Education Code ~~60119~~) 60119)

If the Board determines that there are insufficient textbooks or other instructional materials, ~~the district~~ shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks or instructional materials. The Board shall take any action, ~~except an action that would require reimbursement by the Commission of State Mandates,~~ to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. ~~(Education Code 60119) 60119)~~

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. ~~(Education Code 52060) 52060)~~

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

Complaints

Complaints concerning instructional materials shall be handled in accordance with ~~law, Board policy, and administrative regulation.~~

~~BP/AR 1312.2 (cf. 1312.2) - Complaints Concerning Instructional Materials)~~

~~(cf. 1312.4 or AR 1312.4 - Williams Uniform Complaint Procedures), as applicable.~~

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

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

Legal Reference: (see next page)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

220 *Prohibition against discrimination*
1240 *County superintendent, general duties*
33050-33053 *General waiver authority*
33126 *School accountability report card*
35272 *Education and athletic materials*
44805 *Enforcement of course of studies; use of textbooks, rules and regulations*
49415 *Maximum textbook weight*
51501 *Nondiscriminatory subject matter*
52060-52077 *Local control and accountability plan*
60000-60005 *Instructional materials, legislative intent*
60010 *Definitions*
60040-60052 *Instructional requirements and materials*
60060-60063.5 *Requirements for publishers and manufacturers*
60070-60076 *Prohibited acts (re instructional materials)*
60110-60115 *Instructional materials on alcohol and drug education*
60119 *Public hearing on sufficiency of materials*
60200-60210 *Elementary school materials*
60226 *Requirements for publishers and manufacturers*
60350-60352 *Core reading program instructional materials*
60400-60411 *High school textbooks*
60510-60511 *Donation for sale of obsolete instructional materials*
60605 *State content standards*
60605.8 *Common Core State Standards*
60605.86-60605.88 *Supplemental instructional materials aligned with Common Core State Standards*
CODE OF REGULATIONS, TITLE 5
9505-9530 *Instructional materials*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Instructional Materials FAQ

01-05 *Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2015*

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

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

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

Association of American Publishers: <http://www.publishers.org> <http://www.publishers.org>

California Academic Content Standards Commission, Common Core State

Standards: <http://www.scoe.net/castandards> <http://www.scoe.net/castandards>

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

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

adopted: ~~September 28, 2010 Alameda, California~~ October 2020

~~revised: November 14, 2017~~

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect and value society's diversity, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

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

(cf. 0415 - Equity)

(cf. 0440 - District Technology Plan)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6000 - Concepts and Roles)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6163.1 - Library Media Centers)

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or that have, during the district's review process, been determined to be aligned with the state academic content standards adopted by SBE. (Education Code 60200, 60210)

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and the accompanying administrative regulation. (Education Code 60400)

In selecting or adopting instructional materials, the Board shall consider the recommendation of the Superintendent or designee and/or an advisory committee established to review the materials.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials, including textbooks, technology-based materials, other educational materials, and tests. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, databases, and the electronic equipment required to make use of those materials by students and teachers as a learning resource. (Education Code 60010, 60119)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or other instructional materials that are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE in each of the following subjects: (Education Code 60119)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History-social science

(cf. 6142.94 - History-Social Science Instruction)

4. English language arts, including the English language development component of an adopted program

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6174 - Education for English Learners)

5. World language

(cf. 6142.2 - World Language Instruction)

6. Health

(cf. 6142.8 - Comprehensive Health Education)

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks or other instructional materials to use in class and to take home. This does not require that each student have two sets of materials. However, materials shall not be considered

sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

If materials are in a digital format, they shall be considered sufficient as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district, and has the ability to use and access them at home. (Education Code 60119)

If the Board determines that there are insufficient textbooks or other instructional materials, the district shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks or instructional materials. The Board shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. (Education Code 52060)

(cf. 0460 - Local Control and Accountability Plan)

Complaints

Complaints concerning instructional materials shall be handled in accordance with BP/AR 1312.2 - Complaints Concerning Instructional Materials or AR 1312.4 - Williams Uniform Complaint Procedures, as applicable.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

220 Prohibition against discrimination

1240 County superintendent, general duties

33050-33053 General waiver authority

33126 School accountability report card

35272 Education and athletic materials

44805 Enforcement of course of studies; use of textbooks, rules and regulations

49415 Maximum textbook weight

51501 Nondiscriminatory subject matter

52060-52077 Local control and accountability plan

60000-60005 Instructional materials, legislative intent

60010 Definitions

60040-60052 Instructional requirements and materials

60060-60063.5 Requirements for publishers and manufacturers

60070-60076 Prohibited acts (re instructional materials)

60110-60115 Instructional materials on alcohol and drug education

60119 Public hearing on sufficiency of materials

60200-60210 Elementary school materials

60226 Requirements for publishers and manufacturers

60350-60352 *Core reading program instructional materials*
60400-60411 *High school textbooks*
60510-60511 *Donation for sale of obsolete instructional materials*
60605 *State content standards*
60605.8 *Common Core State Standards*
60605.86-60605.88 *Supplemental instructional materials aligned with Common Core State Standards*
CODE OF REGULATIONS, TITLE 5
9505-9530 *Instructional materials*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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WEB SITES

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California Academic Content Standards Commission, *Common Core State Standards*:

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Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: September 28, 2010 Alameda, California

revised: November 14, 2017

revised: