

# **BOARD OF EDUCATION AGENDA**

**SPECIAL MEETING**  
August 10, 2023 - 4:00 PM

**BOARD POLICY SUBCOMMITTEE MEETING - Niel Tam Educational Center**

2060 Challenger Drive - Alameda, California 94501 - Marina Conference Room

Adjournment will be no later than 10:30 PM for all regular and special meetings, unless extended by a majority vote of the Board. Writings relating to a board meeting agenda item that are distributed to at least a majority of the Board members less than 72 hours before the noticed meeting, and that are public records not otherwise exempt from disclosure, will be available for inspection at the District administrative offices, 2060 Challenger Drive, Alameda, CA. Such writings may also be available on the District's website. (Govt Code 54957.5b).

Individuals who require special accommodations (American Sign Language interpreter, accessible seating, documentation in accessible format, etc.) should contact Kerri Lonergan, Assistant to the Superintendent, at 337-7101 as soon as possible preceding the meeting.

## **IF YOU WISH TO ADDRESS THE BOARD OF EDUCATION**

Please submit a "Request to Address the Board" slip to Kerri Lonergan, Assistant to the Superintendent, prior to the introduction of the item. For meeting facilitation, please submit the slip at your earliest possible convenience. Upon recognition by the President of the Board, please come to the podium and identify yourself prior to speaking. The Board of Education reserves the right to limit speaking time to three (3) minutes or fewer per individual. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four (4) minutes. The public may comment on each item listed as the item is taken up. The Board reserves the right to limit public comment on agenda items to ten (10) minutes per item. The Board may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

### **A. CALL TO ORDER**

1. Call to Order - 4:00pm - Marina Conference Room, Niel Tam Educational Center
2. Introduction of Board Members and Staff

### **B. MODIFICATION(S) OF THE AGENDA - The Board may change the order of business including, but not limited to, an announcement that an agenda item will be considered out of order, withdrawn, postponed, or rescheduled.**

### **C. BUSINESS – Informational reports and action items are presented under this section.**

1. Review and Discussion of BP/AR 5121 Grades/Evaluation of Student Achievement (10 Mins/Information)
2. Review and Discussion of BP/AR 5131.2 Bullying, Bullying Statement, and Discipline Matrix Related to Bullying (10 Mins/Information)
3. Review of Updates to Board Bylaws: 9270 Conflict of Interest, 9320 Meetings and Notices, and 9322 Agenda/Meeting Materials (10 Mins/Action)
4. CSBA Recommended Policy Updates to Reflect Changes Made to Legislative Laws (10 Mins/Action)

**D.      ADJOURNMENT**

ALAMEDA UNIFIED SCHOOL DISTRICT  
SPECIAL AGENDA ITEM

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**Item Title:** Review and Discussion of BP/AR 5121 Grades/Evaluation of Student Achievement (10 Mins/Information)

**Item Type:** Discussion/Recommendation

**Background:** The Grading for Equity Workgroup formed during the 2021-22 school year has been working on piloting and developing a long term plan to shift AUSD to equitable grading practices. As part of this work, AUSD's grading policies would need to be realigned.

- BP/AR 5121 Grades/Evaluation of Student Achievement

Tonight, staff seek input and feedback from the community and members of the subcommittee on moving forward with the revision of BP/AR 5121 as submitted.

On direction from the subcommittee, the policy can either be brought back with suggested edits to the next subcommittee meeting, or presented to the full Board for review and approval at a subsequent regular meeting of the Board of Education.

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** Other

Work toward alignment of AUSD policies.

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success.| #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.| #4 - Parental involvement and community engagement are integral to student success.| #5 - Accountability, transparency, and trust are necessary at all levels of the organization.

**Submitted By:** Dr. Vernon Walton, Director of Secondary Education and Jan Carroll, TSA Instructional Technology

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**ATTACHMENTS:**

Description	Upload Date	Type
BP_AR 5121 Grades_Evaluation of Student		



**Policy 5121: Grades/Evaluation Of Student Achievement**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Reviewed Date:** 08/25/2009

The Board of Education believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

The Board desires the adoption of a Multi Tiered System of Support (MTSS) wherein schools provide a tiered system of academic supports to enable all students to equitably access the core curriculum. To that end, teachers provide multiple means of engagement; present information and content in different ways; and differentiate the ways that students can express what they know with the goal to create learners who are purposeful and motivated, resourceful and knowledgeable, and strategic and goal-directed. Each school is responsible for adopting strategies, programs, and interventions within this framework to facilitate a consistent approach to instruction and assessment.

The Board recognizes that an opportunity/access gap for significant portions of its student population exists, namely among African Americans, Latinos, students who are English Language Learners, and students with disabilities. For the benefit of all students, the Board desires to identify and address the causes of disproportionate academic achievement to reduce and eliminate the racial disparities in under-served populations by introducing and reinforcing equitable grading practices that are accurate, bias-resistant, and motivational.

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (Education Code [49066](#))

Teachers shall evaluate a student's work in relation to standards which apply to all students at ~~his/her~~ the student's grade level. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades solely on the quality of the student's academic work and mastery of course content based on approved district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, written expression, tests, projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

~~Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests and portfolios.~~

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Students in grades TK-5 shall receive standards-based evaluations rather than letter grades in order to give parents/guardians more information about their children's progress towards meeting specific grade level standards.

Students in grades 6-12 shall engage in standards-based instruction and receive letter grades measuring their skills, processes and/or content knowledge.

Teachers at all grade levels shall use designated District-managed communication systems to communicate with families and students to ensure student data privacy and to provide confidentiality, transparency and timely feedback.

### **Unexcused Absences**

~~If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.~~

### **Grade Point Average (GPA)**

The Superintendent or designee shall recommend to the Board the methodology to be used in calculating students' grade point averages.

The Superintendent or designee shall also recommend to the Board whether extra grade weighting will be assigned for honors courses that are substantially similar in depth, breadth and rigor to an Advanced Placement course, an entry-level college course or a community college level course.

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 10060	Criteria for high school physical education programs
5 CCR 30008	Definition of high school grade point average for student aid eligibility
Ed. Code 48070	Promotion and retention
Ed. Code 48205	Excused absences
Ed. Code 48800-48802	Enrollment of gifted students in community college
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 49066	Grades; finalization; physical education class
Ed. Code 49067	Mandated regulations regarding student's achievement
Ed. Code 49069.5	Students in foster care; grades and credits

Ed. Code 51242	Exemption from physical education based on participation in interscholastic athletics
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 76000-76002	Enrollment in community college
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.67	Family Educational Rights and Privacy
<b>Management Resources</b>	<b>Description</b>
Court Decision	Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593
Court Decision	Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86 Cal.App.4th 1
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## Cross References

Code	Description
4127	<a href="#">Temporary Athletic Team Coaches</a>
4127	<a href="#">Temporary Athletic Team Coaches</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
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4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
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5113	<a href="#"><u>Absences And Excuses</u></a>
5113	<a href="#"><u>Absences And Excuses</u></a>
5113.1	<a href="#"><u>Chronic Absence And Truancy</u></a>
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5113.2	<a href="#"><u>Work Permits</u></a>
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5123	<a href="#"><u>Promotion/Acceleration/Retention</u></a>
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5125	<a href="#"><u>Student Records</u></a>
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5125.2	<a href="#"><u>Withholding Grades, Diploma Or Transcripts</u></a>
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5126	<a href="#"><u>Awards For Achievement</u></a>
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6142.7	<a href="#"><u>Physical Education And Activity</u></a>
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**Regulation 5121: Grades/Evaluation Of Student Achievement**

**Status: ADOPTED**

Original Adopted Date: 06/08/1999 | Last Revised Date: 08/25/2009 | Last Reviewed Date: 08/25/2009

**Assessment and Achievement (TK-5)**

In transitional kindergarten through fifth grade, teachers will use the report cards to indicate the student's level of achievement. The report card will indicate each student's proficiency ranking in the following way:

~~Proficient 4 – Advanced Grade Level Standard~~

~~(P) 3 – Proficient Grade Level Standard~~

~~Not Proficient 2 – Approaching Grade Level Standard~~

~~(NP) 1 – Below the Grade Level Standard~~

4 = Advanced: Demonstrates ~~s~~Superior performance

3 = Proficient: Demonstrates Solid academic- consistent performance

2 = ~~Approaching: Partial mastery of knowledge and skills necessary for proficient work~~Moving toward proficiency/expectations

1 = ~~Below Basic: Knowledge and skills are below grade level~~Experiencing significant difficulty

**Advanced (4)**

The student consistently meets and often exceeds the standard as it is described by the grade level benchmarks. The student, ~~with relative ease, grasps,~~ applies and extends the key concepts, processes and skills to other subject areas for the grade level. ~~They exceed the social and study skills benchmarks for the grade level.~~

**Proficient (3)**

The student consistently meets the standard as it is described by the grade level benchmarks. The student ~~independently grasps and~~ applies the key concepts, processes, and skills to other subject areas in the grade level ~~and does so with limited errors. They meet the social and study skills benchmarks for the grade level.~~

**~~Approaching Proficiency~~Moving toward Proficiency/Expectations (2)**

The student is beginning to, ~~and occasionally does,~~ meet the standard as it is described by the grade level benchmarks. The student is beginning to ~~grasp and~~ apply the key concepts, processes, and skills to other subject areas, ~~but may produce work that contains many errors, they are beginning to meet the social and study skills benchmarks.~~

**~~Below Basic~~ Experiencing Significant Difficulty (1)**



The student is not yet meeting the standard for the grade level as it is described by the grade level benchmarks. The student is working on learning the key concepts, processes, and skills for that grade level or a lower prior grade level. ~~and is seldom able to use skills and concepts in other subjects without many errors. The student seldom meets the social and study skills benchmarks.~~

In the Spring Trimester, students must have at least a 3 in both Reading, and Writing, and Mathematics and no less than a 2 in Speaking and Listening to be considered proficient. in Language Arts. In Mathematics, students must have at least a 3 to be considered proficient.

At the end of the school year (Spring marking period), proficient (P) or not proficient (NP) will be assigned for Language Arts and Mathematics.

#### ELD Proficiency Levels TK-5

4 =Bridging Plus (Well Developed)

3=Bridging (Moderately Developed)

2=Expanding (Somewhat Developed)

1=Emerging/Novice (Beginning Stage)

- Bridging Plus (4)  
Independently using a variety of high-level English language skills and fully participating in grade-level academic activities in all content areas. No language support required.
- Bridging (3)  
Beginning to use a variety of high-level English language skills and fully participating in grade-level academic activities in all content areas. Light language support required.
- Expanding (2)  
Independently using informal and social English, and using Academic English to learn and communicate about content. Moderate language support is required.
- Emerging Level (1)  
Learning to use English for immediate needs (informal and social), and beginning to understand and use Academic vocabulary and language. Substantial language support is required.

#### **Grades for Achievement (6-12)**

Grades for secondary students shall be recorded and published in the District-managed electronic grading system. Teachers may not use third-party communication platforms or electronic gradebooks that are not under District management. Teachers will publish all grades that are used to calculate a student's final grade in the District-managed gradebook so that families and students may access those scores via their respective portals. Google Classroom is a recommended teacher/student workspace, not a gradebook, and those scores that calculate into final grades must be transferred/imported to the District-managed electronic gradebook.

Grades for achievement shall be calculated using a Minimum/Maximum scale whereby the lowest grade calculated shall be set at 50% in the District-managed electronic gradebook and the highest grade calculated shall be limited to 100%, thus providing a more proportionate grading scale and eliminating extra credit from calculations measuring student progress toward mastery of standards. The following is the District grading scale:

Grades for achievement shall be reported each marking period as follows:

#### **GPA**

A (90-100%) Advanced Grade-Level Standard 4.0 grade points

B (80-89%) ~~At or~~ Above Grade-Level Standard 3.0 grade points

C (70-79%) ~~At~~~~Proficient~~ Grade-Level Standard 2.0 grade points

D (60-69%) Approaching Grade-Level Standard 1.0 grade points

F ( ~~500~~-59%) Insufficient Evidence of Progress toward Grade-Level Standard ~~Below Basic Grade-Level Standard~~-0

I Incomplete 0

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067) A student cannot receive a failing grade without written notification with adequate time to address the issues.

An incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the incomplete will become an F.

Behavior, ~~effort~~ and attendance shall be reported in separate comments and/or evaluations, not in the student's academic grade.

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

Teachers are encouraged to allow for progress in the quality of student work. When a student finishes a grading period doing high quality work which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement as it relates to the benchmarks/standards. Similarly, high grades at the beginning need not compensate for a downward trend in achievement as it relates to benchmarks/standards.

### **Extracurricular and Cocurricular Activities**

Students in grades 6 through 12 must earn at least a 2.0 or "C" grade point average in order to participate in school athletic activities per athletic league requirements. Students are not to be excluded from other extracurricular and cocurricular activities because of academic performance. extra-cocurricular activities. Behavior, effort, and attendance shall be reported in separate evaluations under citizenship, not in the student's academic grade.

~~When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work to better describe student's progress in specific skills and subcategories of achievement.~~

~~When a student who has been doing satisfactory work suddenly shows a marked decline in achievement, it could result in a "D" or "F" grade if the decline were to continue.~~

### **Marks ~~Grades~~ for Citizenship ~~and Effort~~**

All students will be given marks~~grades~~ for citizenship ~~and effort~~ in all classes. These marks~~grades~~ will be reported each marking period as follows:

O - Outstanding

S - Satisfactory

N - Needs Improvement

U - Unsatisfactory

Criteria for determining ~~marks~~grades for citizenship may include, but are not limited to:

1. Student ~~obeys~~follows classroom and school rules.
2. Student respects public and personal property.
3. Student maintains respectful, cooperative relations with all adults and fellow students.
- ~~4. Student takes responsibility for having necessary books, tools and materials.~~
- ~~5. Student shows interest and initiative.~~
- ~~6. Student takes responsibility to work promptly and completes assignments.~~
- ~~7. Student uses free time resourcefully and uses his/her learning ability to the fullest.~~
- ~~4.8.~~ Student respects the rights of others to study and learn.

~~Students who receive two or more unsatisfactory grades from two or more different teachers during a trimester or semester will lose privileges such as participation in interscholastic athletic teams, school dances, and other extracurricular and cocurricular activities as determined by the administration.~~

#### Marks for Habits of Work

All students will be given marks for Habits of Work in all classes. These grades~~marks~~ will be reported each marking period as follows:

O- Outstanding

S - Satisfactory

N - Needs Improvement

U - Unsatisfactory

#### Criteria for determining marks for Habits of Work

1. Satisfactory or Outstanding in Citizenship
2. Attends consistently and is punctual
2. Collaborates with a positive attitude
3. Comes prepared to class
4. Manages time effectively, meeting deadlines
5. Asks for assistance when needed
6. Open to feedback and revisions

## Progress Reports - Middle School/High School - Grades 6-12

1. When a student is in danger of failing a subject, the parents/guardians must be notified at least three weeks before the end of the report period. When in doubt about a student receiving a failing grade, a notice shall be sent home.
2. In unusual circumstances when an exception to the above practice must be considered, a teacher must document the reason for the failing grade and the reason why parents/guardians were not notified in time for corrective action to be taken. When an exception is made, this documentation should be thoroughly discussed with the principal prior to the grade being sent home.

"Danger of failing" for the purpose of this policy, should be interpreted to mean:

- A student who is working at such a marginal level, so that any one missed assignment or failed test prior to the end of the grading period will result in an "F" grade.
- A student who is likely to receive a "D" or "F" grade.

### **Honor Roll**

~~Each school shall post an Honor Roll. All courses except pass/fail shall be counted in computing eligibility for the Honor Roll. To qualify for the High Academic Honor Roll, a student must receive no current grade below a C and have a grade point average of 3.5 or better. To qualify for Academic Honor Roll, a student must receive no current grade below a C and have a grade point average of 3.0 to 3.49.~~

### **Student Celebrations**

Each site shall determine criteria and logistics for celebrating students by acknowledging and affirming progress and successes in academics, athletics, extracurricular and cocurricular activities, citizenship, random acts of kindness, and/or habits of works to foster communities that value diversity, equity as well as small and large contributions to the school community.

## **Advanced Placement/Honors Courses (High School Level)**

The district wishes to encourage students to take advanced placement and honors courses in academic subjects. Because of the extra work involved, the evaluation system shall be weighted to reflect the more rigorous nature of these courses as required by the College Board. Grades received in these courses will be counted on the following scale:

A = 5 points

B = 4 points

C = 3 points

D = 1 point

F = 0

## **Districtwide Final Examination**

At the high school level, students will take districtwide exams in the areas of Math, Science, English, History and Foreign Language, in order to further demonstrate proficiency.

Students may challenge a course by taking a districtwide exam and scoring above grade level standards to be eligible to waive the course and to receive full credit.

### **Pass/Fail Grading**

With parental approval, students may elect, within the first four weeks of the semester, to earn a "Pass" or "Fail" grade instead of an A-F grade in the following courses:

1. All courses taken in the Alternative Education Program
2. All courses taken in the Special Education Program
3. 9-12th grade non-college preparatory courses (excluding courses required for graduation.)

Students who receive a "Pass" grade will acquire the appropriate semester units of credit for the course, and the grade will not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a "Fail" grade will not receive credit for taking the course.

Students shall be graded Pass/Fail for classes in which they serve as student aides unless predetermined goals and work plans related to specific subject knowledge are on file and have been approved by the principal or designee.

### **Repeated Classes**

With the approval of the principal or designee, a student may repeat a course in order to raise ~~his/her~~ the student's grade. The student shall receive credit only for taking the course once.

When a student in grades 9-12 repeats a class, both grades remain on the transcript, but the lower grade or same grade will be manually tagged to be excluded from the Grade Point Average effective for all 9-12 students, including current students.

The highest grade received will be the permanent grade on the student's transcript.

### **Clearing Deficiencies Due to D or F Grades After High School Graduation**

Students who, by the time of high school graduation, have deficiencies due to D or F grades in certain "A-F" subjects may clear those grades in the summer immediately following high school graduation by enrolling in appropriate high school or college courses. Both grades received will be entered on the student's transcript. The highest grade received will be the permanent grade on the student's transcript.

### **Withdrawal from Classes**

A student who drops a course during the first six weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the semester shall receive an F grade on his/her permanent record, unless otherwise determined by the principal or designee due to extenuating circumstances.

### **Unexcused Absences**

When an unexcused absence occurs, the student and parent/guardian shall be notified and informed of the district's policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain the absence. (Education code 49067)

If the absence is not verified as excusable within five school days, it shall be recorded as unexcused. The person receiving any explanation of the absence by the parent/guardian shall make a record of this explanation and the date when it was given.

If a student receives a failing grade because of excessive unexcused absences (six per trimester, nine per semester), school records shall specify that the grade was given because of excessive unexcused absences. (Education Code [49067](#))

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code [49069.5](#))

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

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These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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5 CCR 10060	Criteria for high school physical education programs
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Ed. Code 48070	Promotion and retention
Ed. Code 48205	Excused absences
Ed. Code 48800-48802	Enrollment of gifted students in community college
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 49066	Grades; finalization; physical education class
Ed. Code 49067	Mandated regulations regarding student's achievement
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 51242	Exemption from physical education based on participation in interscholastic athletics
Ed. Code 69432.9	Cal Grant program; notification of grade point average
Ed. Code 76000-76002	Enrollment in community college
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.67	Family Educational Rights and Privacy
<b>Management Resources</b>	<b>Description</b>
Court Decision	Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593

Court Decision	Las Virgenes Educators Association v. Las Virgenes Unified School District, (2001) 86 Cal.App.4th 1
Court Decision	Owasso Independent School District v. Falvo, (2002) 534 U.S. 426
Court Decision	Swany v. San Ramon Valley Unified School District, (1989) 720 F.Supp. 764
CSBA Publication	Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016
U.S. DOE Office for Civil Rights Correspondence	Report Cards and Transcripts for Students with Disabilities, October 17, 2008
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Student Aid Commission</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Department of Education</a>

## Cross References

Code	Description
4127	<a href="#">Temporary Athletic Team Coaches</a>
4127	<a href="#">Temporary Athletic Team Coaches</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4222	<a href="#">Teacher Aides/Paraprofessionals</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4231	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
4327	<a href="#">Temporary Athletic Team Coaches</a>
4327	<a href="#">Temporary Athletic Team Coaches</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5113	<a href="#">Absences And Excuses</a>
5113	<a href="#">Absences And Excuses</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>

5113.1	<a href="#"><u>Chronic Absence And Truancy</u></a>
5113.2	<a href="#"><u>Work Permits</u></a>
5113.2	<a href="#"><u>Work Permits</u></a>
5123	<a href="#"><u>Promotion/Acceleration/Retention</u></a>
5123	<a href="#"><u>Promotion/Acceleration/Retention</u></a>
5125	<a href="#"><u>Student Records</u></a>
5125	<a href="#"><u>Student Records</u></a>
5125.2	<a href="#"><u>Withholding Grades, Diploma Or Transcripts</u></a>
5125.3	<a href="#"><u>Challenging Student Records</u></a>
5126	<a href="#"><u>Awards For Achievement</u></a>
5126	<a href="#"><u>Awards For Achievement</u></a>
5127	<a href="#"><u>Graduation Ceremonies And Activities</u></a>
5132	<a href="#"><u>Dress And Grooming</u></a>
5132	<a href="#"><u>Dress And Grooming</u></a>
6011	<a href="#"><u>Academic Standards</u></a>
6020	<a href="#"><u>Parent Involvement</u></a>
6020	<a href="#"><u>Parent Involvement</u></a>
6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6141.5	<a href="#"><u>Advanced Placement</u></a>
6141.5	<a href="#"><u>Advanced Placement</u></a>
6142.4	<a href="#"><u>Service Learning/Community Service Classes</u></a>
6142.7	<a href="#"><u>Physical Education And Activity</u></a>
6142.7	<a href="#"><u>Physical Education And Activity</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6145	<a href="#"><u>Extracurricular And Cocurricular Activities</u></a>
6145	<a href="#"><u>Extracurricular And Cocurricular Activities</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6146.11	<a href="#"><u>Alternative Credits Toward Graduation</u></a>



6146.11	<a href="#"><u>Alternative Credits Toward Graduation</u></a>
6146.3	<a href="#"><u>Reciprocity Of Academic Credit</u></a>
6146.3	<a href="#"><u>Reciprocity Of Academic Credit</u></a>
6146.5	<a href="#"><u>Elementary/Middle School Graduation Requirements</u></a>
6152	<a href="#"><u>Class Assignment</u></a>
6152.1	<a href="#"><u>Placement In Mathematics Courses</u></a>
6152.1	<a href="#"><u>Placement In Mathematics Courses</u></a>
6154	<a href="#"><u>Homework/Makeup Work</u></a>
6154	<a href="#"><u>Homework/Makeup Work</u></a>
6154-E PDF(1)	<a href="#"><u>Homework/Makeup Work</u></a>
6155	<a href="#"><u>Challenging Courses By Examination</u></a>
6155	<a href="#"><u>Challenging Courses By Examination</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6162.5	<a href="#"><u>Student Assessment</u></a>
6164.5	<a href="#"><u>Student Success Teams</u></a>
6164.5	<a href="#"><u>Student Success Teams</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6179	<a href="#"><u>Supplemental Instruction</u></a>
6179	<a href="#"><u>Supplemental Instruction</u></a>
6184	<a href="#"><u>Continuation Education</u></a>
6184	<a href="#"><u>Continuation Education</u></a>
9150	<a href="#"><u>Student Board Members</u></a>
9150-E PDF(1)	<a href="#"><u>Student Board Members</u></a>

**Regulation 5121: Grades/Evaluation Of Student Achievement**

**Status: ADOPTED**

**Original Adopted Date:** 06/08/1999 | **Last Revised Date:** 08/25/2009 | **Last Reviewed Date:** 08/25/2009

**Assessment and Achievement (TK-5)**

In transitional kindergarten through fifth grade, teachers will use the report cards to indicate the student's level of achievement. The report card will indicate each student's proficiency ranking in the following way:

- 4 = Advanced: Demonstrates superior performance
- 3 = Proficient: Demonstrates consistent performance
- 2 = Moving toward proficiency/expectations
- 1 = Experiencing significant difficulty

**Advanced (4)**

The student consistently meets and often exceeds the standard as it is described by the grade level benchmarks. The student applies and extends the key concepts, processes and skills to other subject areas for the grade level.

**Proficient (3)**

The student consistently meets the standard as it is described by the grade level benchmarks. The student applies the key concepts, processes, and skills to other subject areas in the grade level.

**Moving toward Proficiency/Expectations (2)**

The student is beginning to meet the standard as it is described by the grade level benchmarks. The student is beginning to apply the key concepts, processes, and skills to other subject areas.

**Experiencing Significant Difficulty (1)**

The student is not yet meeting the standard for the grade level as it is described by the grade level benchmarks. The student is working on learning the key concepts, processes, and skills for that grade level or a prior grade level.

In the Spring Trimester, students must have at least a 3 in Reading, Writing, and Mathematics to be considered proficient.

**ELD Proficiency Levels TK-5**

- 4 = Bridging Plus (Well Developed)
- 3 = Bridging (Moderately Developed)
- 2 = Expanding (Somewhat Developed)

1=Emerging/Novice (Beginning Stage)

- **Bridging Plus (4)**  
Independently using a variety of high-level English language skills and fully participating in grade-level academic activities in all content areas. No language support required.
- **Bridging (3)**  
Beginning to use a variety of high-level English language skills and fully participating in grade-level academic activities in all content areas. Light language support required.
- **Expanding (2)**  
Independently using informal and social English, and using Academic English to learn and communicate about content. Moderate language support is required.
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Learning to use English for immediate needs (informal and social), and beginning to understand and use Academic vocabulary and language. Substantial language support is required.

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C (70-79%) AtGrade-Level Standard 2.0 grade points

D (60-69%) Approaching Grade-Level Standard 1.0 grade points

F ( 50-59%) Insufficient Evidence of Progress toward Grade-Level Standard 0

I Incomplete 0

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian

a written report. (Education Code [49067](#)) A student cannot receive a failing grade without written notification with adequate time to address the issues.

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All students will be given marks for citizenship in all classes. These marks will be reported each marking period as follows:

- O - Outstanding
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Criteria for determining marks for citizenship may include, but are not limited to:

1. Student follows classroom and school rules.
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### **Marks for Habits of Work**

All students will be given marks for Habits of Work in all classes. These grades will be reported each marking period as follows:

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#### Criteria for determining marks for Habits of Work

1. Satisfactory or Outstanding in Citizenship
2. Attends consistently and is punctual
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The highest grade received will be the permanent grade on the student's transcript.

### **Clearing Deficiencies Due to D or F Grades After High School Graduation**

Students who, by the time of high school graduation, have deficiencies due to D or F grades in certain "A-F" subjects may clear those grades in the summer immediately following high school graduation by enrolling in appropriate high school or college courses. Both grades received will be entered on the student's transcript. The highest grade received will be the permanent grade on the student's transcript.

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Ed. Code 51242	Exemption from physical education based on participation in interscholastic athletics
Ed. Code 69432.9	Cal Grant program; notification of grade point average

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**Federal**

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34 CFR 99.1-99.67

**Management Resources**

Court Decision

Court Decision

Court Decision

Court Decision

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Correspondence

Website

Website

Website

Website

Website

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**Description**

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Family Educational Rights and Privacy

**Description**

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[CSBA District and County Office of Education Legal Services](#)

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**Cross References**

**Code**

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5113	<a href="#"><u>Absences And Excuses</u></a>
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5123	<a href="#"><u>Promotion/Acceleration/Retention</u></a>
5125	<a href="#"><u>Student Records</u></a>
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ALAMEDA UNIFIED SCHOOL DISTRICT  
SPECIAL AGENDA ITEM

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**Item Title:** Review and Discussion of BP/AR 5131.2 Bullying, Bullying Statement, and Discipline Matrix Related to Bullying (10 Mins/Information)

**Item Type:** Discussion

**Background:** The following are being brought to the subcommittee for review and discussion upon Board Member request.

- BP/AR 5131.2 Bullying
- Bullying Statement
- Discipline Matrix

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** Other

Work toward alignment of AUSD policies.

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success.| #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.| #4 - Parental involvement and community engagement are integral to student success.| #5 - Accountability, transparency, and trust are necessary at all levels of the organization.

**Submitted By:** Jodi McCarthy, Coordinator of Student Support Services

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**ATTACHMENTS:**

Description	Upload Date	Type
❑ BP 5131.2 Bullying	8/4/2023	Backup Material
❑ AR 5131.2 Bullying	8/4/2023	Backup Material
❑ AUSD Anti-Bullying Statement	8/7/2023	Backup Material
❑ 23-24 AUSD Discipline Matrix	8/4/2023	Backup Material

**Policy 5131.2: Bullying**

**Status:** ADOPTED

**Original Adopted Date:** 06/25/2013 | **Last Revised Date:** 10/17/2019 | **Last Reviewed Date:** 10/17/2019

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

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

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

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

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

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

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

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

**Bullying Prevention**

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

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

School staff shall receive related professional development, including information about early warning signs of

harassing/intimidating behaviors and effective prevention and intervention strategies.

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

### **Intervention**

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

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

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

### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610) including race, religion, national origin, gender or sexual orientation (actual or perceived), or disability, shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. Complaints of other forms of bullying may be documented on the AUSD Bullying Complaint Form found on the District's website.

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

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

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

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

### **Discipline**

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

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

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**Regulation 5131.2: Bullying**

**Status:** ADOPTED

**Original Adopted Date:** 10/17/2019 | **Last Reviewed Date:** 10/17/2019

**Definitions**

Bullying is an unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and involves repetition or potential repetition of a deliberate act.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

**Measures to Prevent Bullying**

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate
2. Providing to students, through student handbooks and other age-appropriate means, information about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

**Staff Development**

The Superintendent or designee shall make the California Department of Education's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (Education Code 32283.5)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness

about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

### **Student Instruction**

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

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

### **Discipline/Corrective Actions**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral

intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

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## **AUSD Anti-Bullying Statement**

Alameda Unified School District believes all students have a right to an inclusive, safe and secure learning environment. Alameda Unified School District recognizes schools must be physically and emotionally safe for all students in order to promote and support academic achievement, citizenship, student attendance and engagement. For these reasons, AUSD has developed a comprehensive anti-bullying program to promote these goals.

Alameda Unified School District will not tolerate behavior that infringes on the safety and emotional well-being of any student or adult. Our schools and district will not tolerate acts of bullying, intimidation or harassment of any student through words and actions.

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

There is an expectation all students, staff, parents, and volunteers demonstrate behavior that is respectful and civil. AUSD will not tolerate bullying. It is essential that Alameda Unified School District adults also model appropriate behaviors as positive examples for student behavior.

The Alameda Unified School District expects students, staff and parents to immediately report any incident of bullying to the principal or designee. Students, parents and staff members who observe or experience any incident of bullying are also encouraged to complete and submit the “Student Bullying Report Form” available on the school’s and AUSD Student Services webpage. Staff members are expected to immediately intervene when they observe bullying in a thorough and confidential manner.

The Alameda Unified School District expects all students to conduct themselves in a manner that demonstrates the proper regard for the rights and welfare of other students, staff, parents, and community members. All teachers will discuss this policy with their students in an age-appropriate manner and should assure students that they need not endure any form of bullying.

Students who bully are in violation of these guidelines and are subject to disciplinary action up to and including expulsion (Education Code 48900(r)).

District procedures for preventing and intervening in bullying behavior include but are not limited to the following:

- All staff, students and parents will receive a copy of these guidelines prohibiting bullying at the beginning of the school year
- The school's principal or designee will keep a report of bullying and the results of confidential investigation
- All staff will immediately intervene to an appropriate degree whenever they observe or become aware of a bullying
- Non-staff members who observe or become aware of bullying are strongly encouraged to report the incident in order to support the school's efforts to promote a safe learning environment

This statement applies to every form of bullying, harassment, and/or cyber-bullying/harassment, whether in the classroom, on school premises, when a student is traveling to or from school, or at a school-sponsored event. Bullying or harassment, including cyber-bullying/harassment, that is not initiated at a location defined above is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one or more students and/or the orderly day-to-day operations of any school or school program.



# **AUSD Positive Behavior Expectations and Discipline Matrix**

## **School Year 2023-2024**



*CA Education Code Section 48900 and 48915 states that school districts must notify the parents/guardians of all pupils registered in schools of the district's expectations pertaining to student discipline. CA Education Code Section 35291.5 authorizes each school to develop discipline expectations and procedures. Schools shall provide this information in writing to continuing pupils at the beginning of each school year and to any other pupils. And their parents/guardians at the time of enrollment.*

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## INTRODUCTION

**AUSD Vision:** Each and every child is compassionate, confident, and feels successful, academically prepared, and able to make meaningful, positive impact in their lives, the lives of others, and the world around them.

**AUSD Mission:** Alameda Unified School District is committed to upholding our community's core values of equity and excellence for every student by providing inclusive and safe conditions for learning that challenge and support every student to be culturally competent and prepared for college, career, and community participation.

### **AUSD Guiding Principles:**

- We believe there is value in diversity, and that by providing equitable educational opportunities for all students, everyone can succeed.
- We believe that education should be student-centered and focused on the whole child.
- We believe that social, emotional, and mental well-being are crucial to the success of students.
- We believe that inequities exist within our current educational system and that it is our responsibility to diminish them.
- We believe that students deserve the opportunity to explore and pursue their interests and that it is the responsibility of employees to support them in this.
- We believe that clear and transparent communication with stakeholders is vital to the success of students.
- We believe that staff and administration should work alongside stakeholders to ensure that students are being given the services they need and are being challenged appropriately.

The Alameda Unified School District is committed to providing a quality educational environment that is safe, secure, and positive. This document explains the enforcement of school expectations and procedures as they apply to student behavior.

Per BP 5144 (Discipline): *The District and staff are committed to establishing positive learning environments that ensure that all students have access to a quality education. The District recognizes that a key aspect of maintaining a healthy and safe environment is establishing order and maintaining discipline in our schools. This goal can only be achieved through the cooperative efforts of our school personnel, students, parents, guardians, and our community.*

*The District believes that developing strong relationships with families is the first step in establishing safe and healthy schools. The District and staff desire to work collaboratively with families to establish positive relationships that aid in the development and achievement of all students. School staff members are encouraged to contact parents early in the school year to proactively establish positive school-home communication and throughout the school year to share student successes and challenges and develop plans to help students have access to a quality education.*

*The District is committed to eliminating disparity in school discipline with respect to its under-served populations by reducing the number of referrals, suspensions, and expulsions. The staff will engage in restorative practices that enhance school culture and improve discipline systems to address equity.*

**The Positive Behavior Matrix is developed for all schools within Alameda Unified School District and establishes a uniform discipline code for the district.** Additionally, the Positive Behavior Matrix outlines the Other Means of Correction (OMC) and interventions that school sites may use, as well as consequences that may be issued for inappropriate behaviors. Interventions and consequences are most effective with students when they deal directly with the problems fairly, impartially, and equitably and are culturally responsive. Therefore, the AUSD Positive Behavior Matrix provides schools with supportive responses to behavior practices.

Each administrator must consider several factors in determining the appropriate interventions, OMC's, and consequences to correct appropriate student behaviors. These factors include, but are not limited to:

- Age, health, and maturation of the student
- Cultural considerations
- Behaviors that may be related to a student's disability (IEP or Section 504)
- Student's understanding of the impact of their behavior
- Student's willingness to repair the harm caused by their behavior
- Seriousness of the behavior offense and the degree of harm caused
- Impact of the incident on overall school community
- Whether the student's violation threatened the safety of any student or staff member
- The likelihood that a lesser intervention, consequence or OMC would adequately address the violation.

When parents, students and staff are aware of our mutual responsibilities, we can effectively promote positive student participation in learning programs of our District.

### **Parent Involvement**

The Alameda Unified School District Board of Education encourages harmonious, constructive working relationships with individual parents as well as parent/teacher/student organizations in each school. AUSD will continue to encourage and welcome the fullest participation in these groups by all parents, teachers, students, and administrators of each school.

### **Disciplinary Policy**

AUSD subscribes to the principle that discipline should be viewed as a positive concept. In exercising discipline, the ultimate goal should be to help each student develop self-control and self-discipline. AUSD believes in the principle that a student grows from dependence to independence. As students grow toward independence, acceptable behavior includes respect for constituted authority, respect for the rights of others, and development of high personal standards. It is therefore an obligation of the schools to provide experiences which lead toward a student's self-discipline and independence.

AUSD recognizes its responsibility to provide an orderly environment that is conducive to the development of self-discipline and academic achievement. An individual who fails to develop sufficient self-discipline to function properly in a classroom constitutes an impediment to the progress of their classmates. In that event, it is the responsibility of the educators to protect the rights of all students to an education.

The best alternative to suspension is prevention. Alternatives to suspension are utilized with all students in a consistent and age-appropriate manner with an emphasis on teaching and learning the skills necessary to enhance a positive school climate. No student shall be suspended or expelled for willful defiance.

## SHARING RESPONSIBILITY

We believe that a positive and productive learning community is created through trust and accountability for all of its members. With that in mind, we ask all of our students, parents, and staff members make a commitment to the following actions:

### **The Student is responsible for:**

1. Maintaining high personal standards for empathy, compassion, patience, and self-advocacy
2. Sharing with school staff when they feel uncomfortable or threatened; telling school staff about any dangerous behavior of bullying
3. Assuming responsibility for the proper use and respect for property
4. Respecting and meeting school expectations and regulations
5. Pursuing to the best of their ability the educational opportunities made available
6. Avoiding distractions, refrain from using personal electronic devices (phones, earbuds, smart watches, etc) during instructional time.
7. Avoid participation in any activity or event that may intentionally or unintentionally cause harm to themselves or others
8. Refraining from the use of hate speech, acts of disrespect towards other cultures, and speech/acts that are meant to intimidate or denigrate students in relation to their class/race/religion/sexual orientation/gender, etc.

### **The Guardian is responsible for:**

1. Familiarizing themselves with District policies and school expectations and regulations and partnering with the school to support their student's behavioral needs and the implementation of the Positive Discipline Matrix.
2. Ensuring their student attends school regularly and on time, having adequate sleep and nutrition, practicing proper personal hygiene, and providing overall support for healthy habits.
3. Establishing and maintaining positive relationships with everyone on campus
4. Encouraging their child(ren) to be friendly to peers and hold one another accountable for respectful interactions.
5. Maintaining an open dialogue about digital citizenship and healthy use of technology. This includes ensuring that the student is using their personal and school devices responsibly, consuming or creating positive and affirming social media, and setting healthy limits and habits.
6. Sharing with school staff when they feel that their child(ren) feel uncomfortable or threatened
7. Seeking resources to help their child(ren) if needed
8. Cooperating with school personnel in carrying out appropriate disciplinary practices when such action is necessary.
9. Making provisions for off-campus supervision for the student in the case of suspension, illness or accident.



**School Staff is responsible for:**

1. Seeing that students are aware of and understand behavior expectations and regulations regarding behavior expectations, and also model these expectations
2. Using culturally appropriate strategies, Positive Behavior Intervention Supports, and/or Restorative Practices in their classrooms to fairly and consistently enforce school expectations and District policy related to discipline
3. Communicating concerns and partnering in supports needed related to behavior with the parent/guardian
4. Implementing tiered behavior supports and reporting promptly any continuing student behavior problem to appropriate administrative personnel
5. Inviting a parent/guardian to attend classes to monitor and observe student behaviors and interactions.

**The Principal - Administrator is responsible for:**

1. Supporting teachers in performing their duties within the framework of this policy, listed above.
2. Providing leadership that will establish, encourage and promote good teaching and an effective learning environment
3. Establishing school expectations and regulations that conform with the District discipline policy to ensure an educational program free from disruption for all students.
4. Enforcing the District and school site discipline policy and school expectations consistently and fairly
5. Communicating to parents/guardians, staff, and students about established District policies and school expectations regarding positive student behavior and discipline.

**The Superintendent is responsible for:**

1. Establishing procedures to carry out this policy and holding school personnel responsible for the proper execution of the procedures.
2. Supporting school personnel in the performance of their duties within the framework of the Board's policy.

All District and Site Administrators are committed to utilizing tiered interventions and disciplinary supports and consequences that are consistent, fair, age-appropriate, take into account cultural considerations, take into account behaviors that may be related to a disability, the seriousness of the behavior offense and the degree of harm caused, and the willingness of the student to repair the harm caused by their behavior.

**AUSD has a healing-centered vision.** The primary goal of the District is to be a trauma-engaged and culturally-responsive school district. Which means not only understanding and being aware of trauma, but proactively promoting collective healing as a whole school system while responsively meeting the individual wellness needs of each student (trauma-engaged) and centering equity in healing by recognizing a broad understanding of trauma (including historic and generational trauma), and affirming all cultures in the healing process (culturally-responsive).

**AUSD does not encourage exclusionary discipline, especially if a lesser intervention, consequence, or other means of correction will adequately address the violation.** The best alternative to suspension is

prevention. Other means of correction or alternatives to suspension are utilized with all students in a consistent and age-appropriate manner with an emphasis on teaching and learning the skills necessary to enhance a positive school climate.

## Multi-Tiered Systems of Support (MTSS):

### Per [Board Policy 5144](#):

*The Board desires the adoption of a Multi Tiered System of Support to facilitate a consistent approach for positive, prosocial behavior management. The District expects teachers to attempt interventions prior to making a referral out of the classroom except where suspension for a first offense is permitted or mandated by law.*

*Each school is responsible for incorporating a Multi Tiered System of Support (MTSS) wherein schools provide a tiered system of academic and behavioral supports to enable all students to equitably access the core curriculum. Each school site will incorporate these practices... to reduce referrals and suspensions through proactive intervention, positive behavioral support, restorative practices, and other non-punitive approaches to discipline.*

### What are Multi-Tiered Systems of Support? (MTSS)

MTSS is a framework that our schools use to provide targeted support to all students. The framework supports academic growth and achievement, but it also supports many other areas of a student's well-being such as behavior, social and emotional needs, and absenteeism. Learn more about our systems of support here: [AUSD Student Supports Brochure 2022.pdf](#)

## How is MTSS designed to support students?

### Tier 1: Universal – All students receive these supports

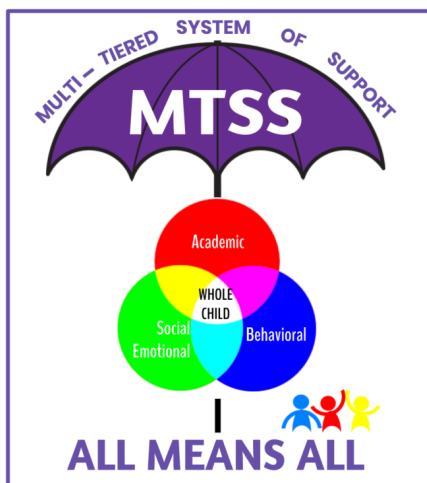
Tier 1 encompasses the whole school with core instruction and essential interventions as the largest tier and the entire framework's foundation. This structure helps to build positive relationships between staff and students. It includes proactive classroom management strategies aimed at creating a supportive atmosphere. Students who do not respond to this instruction and embedded interventions may move into Tier 2.

### Tier 2: Secondary – Small groups of students needing additional support

Some students need a little extra assistance in meeting academic and behavioral goals, and it is in Tier 2 that this help is provided. Often these interventions and supports are delivered in small group settings and are determined and monitored by the school's Coordination of Services Team (COST).

### Tier 3: Tertiary – Individual students needing additional support

A subset of students has significant challenges that do not respond to the interventions and supports in Tier 1 or Tier 2. Tier 3 gives these students individualized support and can include outside agencies such as behavioral counselors or family therapists.

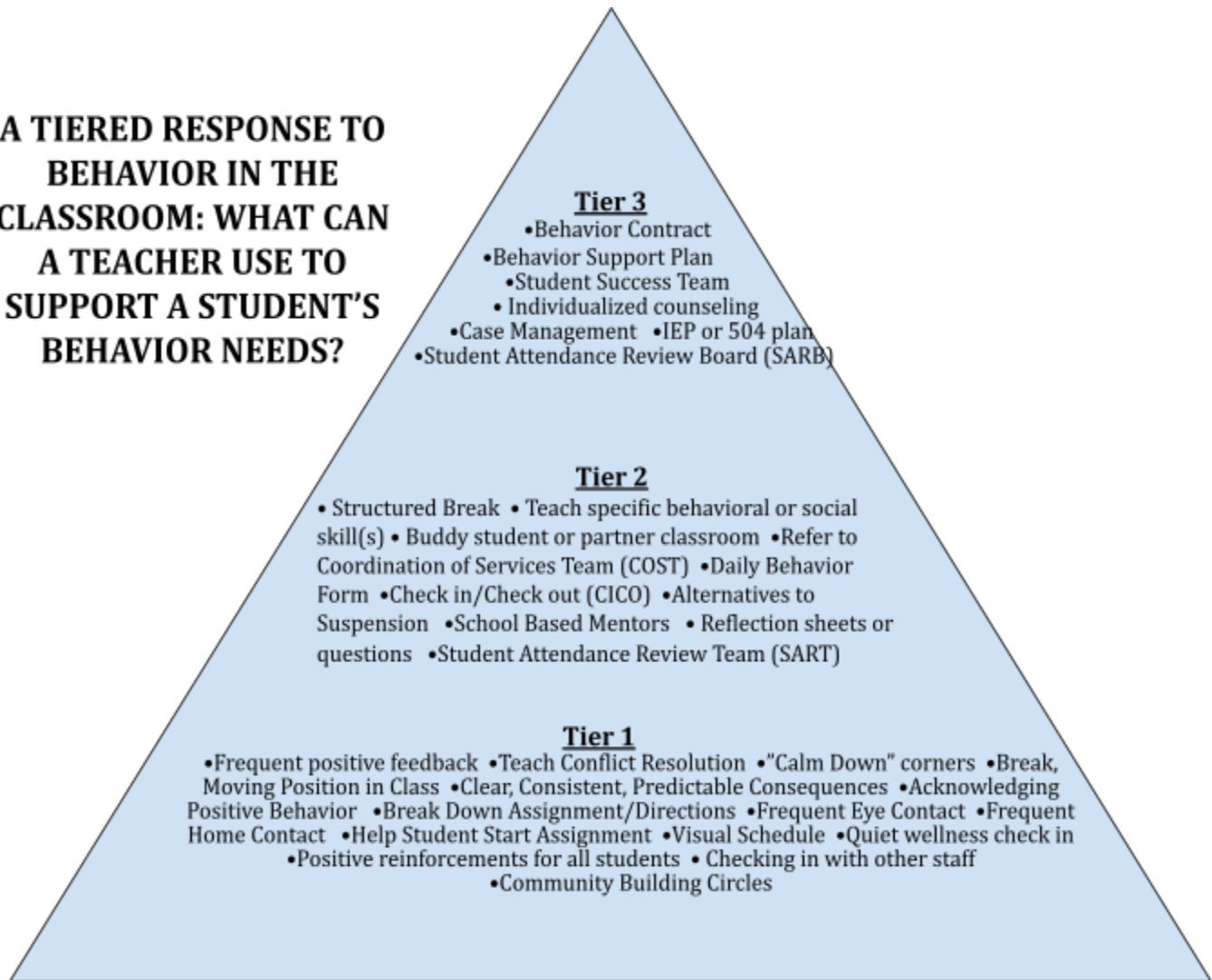


### How does MTSS connect to AUSD's positive behavior expectations and discipline matrix?

AUSD utilizes Positive Behavior Interventions & Supports as well as Restorative Practices as part of our Tier 1 (universal) behavior system. That means, all students will have behavior expectations taught, modeled and acknowledged. Restorative Practices are utilized to build and repair relationships when behavior expectations are not met. A

tiered approach can also be used to respond to behavior needs in the individual classroom.

**A TIERED RESPONSE TO  
BEHAVIOR IN THE  
CLASSROOM: WHAT CAN  
A TEACHER USE TO  
SUPPORT A STUDENT'S  
BEHAVIOR NEEDS?**



In Alameda Unified School District, we believe that students should be partners in their learning and that teachers and families should be in continual conversation about needed supports.

**We have created age-appropriate tools that teachers, students, and families can use to be in conversation *with* one another about the kind of tiered support that would most benefit the student.**

Here are a few examples:

- ☰ Tier 1/2 Classroom Supports Checklist: Students Gr. K-5
- ☰ Behavior Reflection Form & Contract
- ☰ AUSD Behavior Support Plan template

## RESTORATIVE PRACTICES

### What are Restorative Practices?

Restorative practices are all about building community and strengthening relationships. They represent a positive step forward in helping all community members learn to resolve disagreements, take ownership of their behavior, and engage in acts of empathy and forgiveness. Restorative approaches are based on the idea that when we feel part of a supportive community, we respect others in that community and become accountable to it.

### How are Restorative Practices different from traditional discipline?

Restorative practices focus on resolving conflict and healing harm. It seeks to address the root cause behind an individual's behavior rather than treating the behavior as an isolated symptom and punishing it out of context or judging the student as good or bad based on an isolated incident. Some examples of Restorative responses to behavior needs are mediation, formal apology (written or verbal), social action or service assignment, personal development opportunity or assignment, teacher/student agreement, and Tier 2 (small group) intervention support.

Traditional Discipline Paradigm	Restorative Discipline Paradigm
What rule was broken?	What harm occurred and how has it impacted our relationships?
Who broke it?	What needs and obligations have arisen from the harm?
How do we punish them?	What harm occurred and how has it impacted our relationships?

What Restorative Practices are...	What Restorative Practices are NOT...
High expectations and accountability are central to RP. Community members are held responsible for their actions and are required to take an active role in repairing the harm caused by their behavior.	A "soft response" to behavior or consequence-free
Restorative Circles are healing and might feel therapeutic, but they are not therapy and do not require training as a therapist. RP is really about modeling how to have equity of voice, share control, and practice empathetic listening.	A form of therapy
Restorative Practices allow for all community members to express how they are being impacted by a behavior and what they need to be able to be forward.	Disempowering for those impacted by problematic behavior
Restorative Practices may take time up front because it is relational, and building relationships takes time. Ultimately, students gain the self-awareness, skills and	Time/labor-intensive

self-control to make more responsible decisions and resolve their own conflicts, thus requiring less adult intervention.	
Restorative Practices go well beyond circles. They are actually a collection of tools and practices for developing and maintaining a respectful, inclusive community.	Simply sitting in circles

### How are Restorative Practices used in the classroom?

1. Regularly holding classroom community circles. These can either be content-specific or general community-building circles with questions like, "Where do you see yourself in ten years?"
2. When responding to a conflict or need: Asking a student to recount what happened, listening to them as they discuss their emotions and thinking and working to create a mutual plan of action for making the situation right again is a core Restorative Practice.
3. Incorporate the entire class when determining potential responses to a problem. Bringing student voice into the decision-making process will likely result in a greater understanding of how actions affect the classroom as a whole.

### How are Restorative Practices used by site administrators?

1. When responding to a conflict or need: Asking a student to recount what happened, listening to them as they discuss their emotions and thinking and working to create a mutual plan of action for making the situation right again is a core Restorative Practice.
2. Determining appropriate consequences, ideally in partnership with those impacted by the behavior, for problematic behavior.
3. Co-constructing with student/family meaningful next steps that allow for re-teaching of behavior or an otherwise educative experience for the student.



### Why does AUSD utilize Restorative Practices instead of punitive and exclusionary discipline?

We want all of our community members to be supported in taking responsibility for their behavior, and we want our discipline procedures to be a learning process and responsive to the needs of the community. **The person who caused harm has a chance to truly understand the impact of their actions, to be heard and understood themselves, to repair the harm, and to be welcomed back (restored) to the community.** That can have a far more positive and lasting effect on a person than punishment or exile.

**RP Welcome Back Re-Entry Support Plan** In addition to building an equitable and productive community, these practices help students acquire valuable social and emotional skills. Students practice listening with empathy; constructively communicating needs; problem-solving; honoring and embracing differences in opinion, perspective, and experience; and taking responsibility for personal feelings and actions to repair harm. With regular engagement in ongoing dialogue and reflection, students also build leadership, facilitation,

and critical thinking skills. **You can view the Restorative Questions used with students here:**

 **Restorative Questions for Students**

If you would like to see Restorative Practices in action [this video](#) shows two elementary students who attend Edna Brewer in Oakland Unified resolve a physical altercation that they had in a meaningful, positive, restorative way.

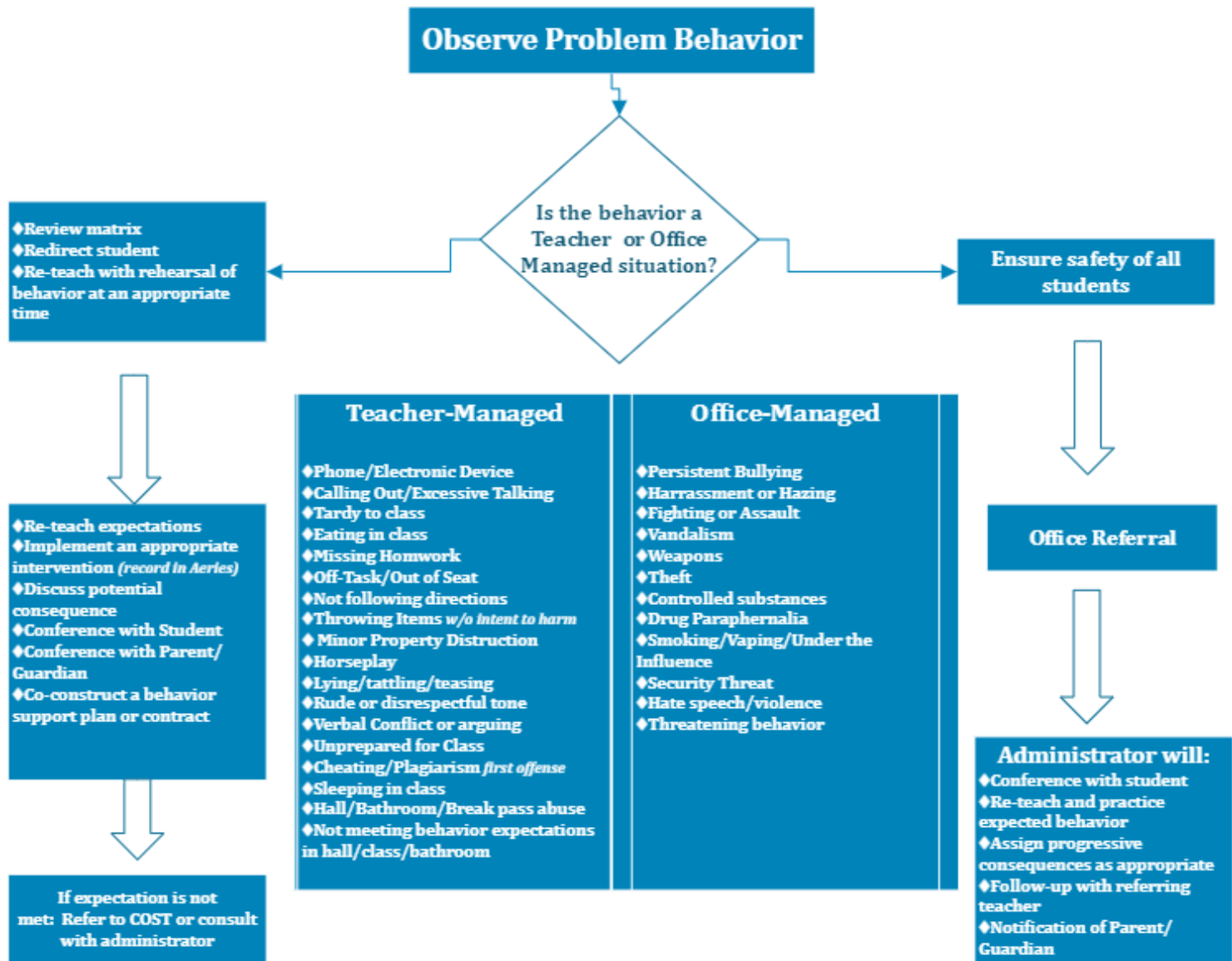
## Classroom & Office Managed Behaviors & Interventions Table

These interventions aim to reinforce positive behavior so that students may learn and demonstrate self-control, have empathy for others, and engage in positive school involvement. Teachers are encouraged to try a variety of teaching and classroom management strategies.

<b>Teacher/Classroom Managed Behaviors</b> <i>(opportunities for teachable moments)</i>	<b>Tier 1 Universal Interventions for all students</b>
<ul style="list-style-type: none"> <li>● Phone/Electronic device</li> <li>● Calling out/Excessive talking</li> <li>● Tardy to class</li> <li>● Eating in class</li> <li>● Missing Homework</li> <li>● Off task, out of seat,</li> <li>● Not following direction</li> <li>● Throwing items (without intent to harm)</li> <li>● Minor property destruction</li> <li>● Horseplay</li> <li>● Lying/tattling/teasing</li> <li>● Rude or disrespectful tone</li> <li>● Verbal conflict or arguing</li> <li>● Unprepared for class</li> <li>● Sleeping in class</li> <li>● Cheating/plagiarism (first offense)</li> <li>● Hall/Bathroom/Break Pass abuse</li> <li>● Not meeting behavior expectations in hall/class/bathroom</li> </ul>	<ul style="list-style-type: none"> <li>● Private, positive conference with student (building positive relationship)</li> <li>● Seat change</li> <li>● Correction &amp; Redirection: Re-state expectations in a short and positive manner</li> <li>● Modeling replacement behavior</li> <li>● Buddy Classroom: student reflects in another classroom and is allowed extended time away</li> <li>● Parent/Guardian contact (phone or email)</li> <li>● Parent/Guardian accompanies student in class</li> <li>● Daily/Weekly progress report for behavior</li> <li>● Increase positive acknowledgement and recognition (PBIS tickets)</li> <li>● Goal-setting and reflection with student</li> <li>● Provide student with breaks</li> <li>● Develop and use cueing systems to prompt student to engage in positive behavior</li> <li>● Other</li> </ul> <p><i>If multiple interventions are not successful, refer to COST or consult with Administrator</i></p>

<b>Office Managed Behavior</b> <i>(involve school and student physical or emotional safety)</i>	<b>Possible Interventions</b> <i>(after Administrator conferences with student)</i>	<b>Possible Consequences</b> <i>(after ensuring due process)</i>
<ul style="list-style-type: none"> <li>● Persistent Bullying</li> <li>● Harassment or hazing</li> <li>● Fighting or assault</li> <li>● Vandalism</li> <li>● Weapons</li> <li>● Theft</li> <li>● Controlled Substances</li> <li>● Drug paraphernalia</li> <li>● Smoking/vaping/under the influence</li> <li>● Security threat</li> <li>● Hate speech/violence</li> <li>● Threatening behavior</li> </ul>	<ul style="list-style-type: none"> <li>● Restorative Practices (affective statements, listening circles, etc..)</li> <li>● Peer Mentoring/Conflict Resolution</li> <li>● Parent/Guardian Teacher Conference</li> <li>● Check in/Check out (CICO)</li> <li>● Referral to counseling</li> <li>● Other: <i>See Other Means of Correction Chart</i></li> </ul>	<ul style="list-style-type: none"> <li>● Exclusion from Extra Curricular Activities (10 school days)</li> <li>● Restitution</li> <li>● Detention</li> <li>● In-School Suspension</li> <li>● Suspension</li> <li>● Other: <i>See Other Means of Correction and Discipline Matrix</i></li> </ul>

## Classroom Managed Behaviors vs. Office Managed Behaviors Flow Chart





## RESPONSE TO HATE SPEECH & ACTS

### Superintendent Addresses Hate Speech in our School Communities

Excerpts from the above linked message:

*"Expressions intended to unsettle, frighten, or assault the psychological safety of [any] community member are unacceptable in all forms. Whether those expressions are anti-black, antisemitic, or feature components of any other form of prejudice, we will both condemn this behavior and address it with every consequence that state and local policies allow. **From a discipline standpoint, students need to be taught why hate speech is wrong.***

*While a hard line on this issue is appropriate, it does not mean that we will abandon our function as educators and we will continue to utilize Restorative Practices and educational components as many of our educators already do in our ethnic studies courses, in a cross section of our social studies offerings, advisory periods, and a variety of assigned literature and projects."*

**REMEMBER: In each scenario, context and situational nuance matter. Due process and investigation of the incident will determine the level of harm and specific response. Harm levels are further explained on pages 21 and 29.**

<p><b><u>Example Scenarios (Harm Level 1)</u></b>  <i>*This could be inappropriate jokes or teasing.</i></p> <p><b>Elementary students</b> of mixed ethnicities playing on the playground are calling each other names, like "King Kong", "Dora the Explorer" or "Mulan".</p> <p>A group of BIPOC <b>secondary students</b> are using the "N" word while laughing and joking with one another.</p>	<p><b><u>POSSIBLE Responses (not an exhaustive list)</u></b></p> <ul style="list-style-type: none"> <li>● Hold a Restorative dialogue between the students, including someone from the maligned affinity group - <b><i>this is a teachable moment</i></b></li> <li>● Partner with families around continuing education</li> <li>● Include the students in school-wide campaigns or efforts aimed at reducing harmful language</li> </ul>
<p><b><u>Example Scenario (Harm Level 2)</u></b>  <i>*This could look like students continuing to use offensive and inflammatory language after correction/education/teachable moments..</i></p> <p>A large group of <b>middle school</b> students are using the phrase "that's so gay" while joking around with one another. These students do not identify as LGBTQ+. They continue to use the term "gay" even after education, or they use the term knowing there is a nearby group of LGBTQ+ students that can hear them.</p>	<p><b><i>These are possible Ed. Code 48900.3 violations that could lead to exclusionary discipline (4th-12th grade only). Mandatory restorative re-entry or other means of correction after suspension.</i></b></p> <ul style="list-style-type: none"> <li>● Notify family members about what's happening and partner with them on next steps</li> <li>● Facilitate a Listening circle involving the students and maligned affinity group members</li> <li>● Ask students to interview adults on campus about the harmful effects of hate speech on the community and have them share findings with Culture and Climate team</li> </ul>
<p><b><u>Example Scenarios (Harm Level 3)</u></b>  <i>*These are egregious and malicious words and/or acts of hate violence.</i></p> <p>A <b>high school</b> student draws swastikas on a Jewish peer's assignment.</p> <p>An African-American student has a noose made of paper towels placed on her desk. It is unknown who placed the noose on the desk.</p>	<p><b><i>These are Ed. Code 48900.3 violations that would lead to exclusionary discipline (4th-12th grade only). Mandatory restorative meeting or other means of correction after suspension.</i></b></p> <ul style="list-style-type: none"> <li>● Hold a formal Restorative Conference, inclusive of victim, offender, guardians, and other impacted parties (the victim will be empowered to determine if this is an option)</li> <li>● Facilitate a whole-class <a href="#">Listening Circle</a> inclusive of Fair Process engaging students in tangible ways to repair the harm caused</li> </ul>

## DISCIPLINARY RESPONSE DEFINITIONS

In certain circumstances, disciplinary responses that remove students from the classroom or school environment may be necessary. In these cases, the goal is to make sure that students receive educational services, learn alternative behaviors, and work to repair any harm they may have caused. These responses could include:

**Detention:** Detention is a consequence, usually consisting of sitting and working quietly, for a specified amount of time outside of school hours or during break times within the day.

**Loss of Privilege:** Removal of a school privilege for cause of action committed on school property, during lunch break of campus, or at a school sponsored event. Privileges include but are not limited to: after school activities, school rallies, school dances, Prom and other extracurricular activities.

**Structured Recess:** A regularly scheduled period in the school day of physical activity and play that is monitored by trained staff or volunteers.

**Timeout/Buddy Class:** A procedure in which a student is briefly removed from an environment that is reinforcing inappropriate behavior, and placed in a safe space that is not reinforcing behavior.

**Teacher Issued Suspension (Class Suspension):** Per CA Ed Code 48910, a teacher may suspend a student from their class for up to 2 days, including the day of the incident. The Teacher must contact the parent/guardian, set up a parent/guardian conference, and arrange to have work for the student to do in an in-school alternate setting. The teacher is responsible for collaborating with the site administrator to determine the most appropriate alternate setting.

**Out of School Suspension:** The removal of a student from school for up to but not more than 5 school days.

**Extended Suspension (Expulsion Recommendation):** The removal of a student from his or her regular school program by the Superintendent of designee for not more than 20 school days. A student may only be recommended for expulsion if Education Code criteria has been met regarding 48900 (a-t), 48915 (a)(1)(A-E), or 48915 (C). For such referrals, the student's behavior has seriously endangered the health, welfare or safety of other students or school personnel; or the student's continued presence in the school constitutes a significant safety risk. An expulsion may include the current and following semester or the totality of one school year. Specific legal provisions must be followed for students with Section 504 plans and IEPs.

**Alternative Educational Placement:** Applicable students will be placed in alternative educational settings while serving an expulsion for behavior that has seriously endangered the health, welfare, or safety of other students or school staff. Students serving an expulsion are not permitted to receive instruction in the comprehensive campus or program within the school district where the behavior occurred. Students serving a full expulsion are referred to educational programs and schools operated by Alameda County Office of Education for the duration of the expulsion term.

**Interim Alternative Educational Setting (only legal in very specific circumstances for a student with an IEP):** This setting can be inside or outside a school that enables students with IEPs to continue to progress in the general curriculum and to continue to receive special education related services and accommodations needed to meet the goals of their IEPs.

## STUDENTS WITH DISABILITIES

**All District and Site Administrators are committed to utilizing tiered interventions and disciplinary supports and consequences that take into account behaviors that may be related to a student's disability.**

Suspension of students with exceptional needs requires that the school administrators and Section 504 or IEP team members understand the limits of suspension of students with disabilities, requirements for plan review following suspension, and other means of correction (alternatives to suspension).

### Limits of Suspension of Students with Disabilities

As noted previously, the principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in CA Ed Code 48900. An individual with exceptional needs may be suspended for up to, but not more than five (5) consecutive school days. The student may be suspended for up to 10 days before an IEP or Section 504 team manifestation determination meeting is required. The student can be removed for more than 10 days for separate acts of misconduct, as long as the removals do not constitute a pattern. During any removal of more than 10 days the school must provide services to the extent determined necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals on his or her IEP.

### Section 504 or IEP Review Following Suspension

A Section 504 or IEP meeting is not required prior to suspending a student with a disability for up to 10 days in a school year. However, it is recommended that the team should meet to review a pupil's placement and program when the pupil is experiencing serious discipline problems leading to multiple suspensions. It is required that the team conducts a manifestation determination review when a pupil's suspensions total 10 days. The team must determine how the student will receive FAPE on the 11th and any subsequent days of suspension. The team will also determine if additional assessment is needed, if the misconduct was caused by, or had a direct and substantial relationship to the pupil's identified disability, and if the pupil is appropriately placed.

**According to CA Education Code 48900.5:** *a suspension shall be imposed only when other means of correction fail to bring about proper conduct. A superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a student subject to discipline under this section. However, a student, **including an individual with exceptional needs as defined in §56026**, may be suspended for any of the reasons enumerated in §48900 upon a first offense, if the principal or superintendent of schools determines that the student violated subdivision (a), (b), (c), (d), or (e) of §48900 or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.*

More information can be found here: [F3-Discipline- Students and SpecEd.pdf](#)

## REQUIRED ACTIONS

For every potential education code violation, the following courses of action MUST be done:

- De-escalate student, attempt to identify root or ancillary cause for behavior, reteach identified behavior skills, facilitate student re-entry to class/school without formal discipline (*if possible*)
- Conduct a thorough investigation and ensure due process
- Review discipline history to determine if there were prior occurrences of the behavior
- Document current incident in Aeries, along with the discipline decision.
  - If this was a suspendable offense and the student was not suspended, other means of correction must be documented in Aeries.
- Hold Welcome Back meeting with student if suspended (upon return to class/school)

### ***In accordance with Education Code 48911:***

*All home suspensions shall be preceded by an informal conference conducted by the principal or the principal's designee, the pupil, and whenever practicable, the teacher or supervisor or school employee who referred the pupil to the principal. At this conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone, and the parent or guardian shall be notified in writing of the suspension within 24 hours.*

## OTHER MEANS OF CORRECTION (OMC) OR ALTERNATIVES TO SUSPENSION

The key to reducing suspensions and expulsions is implementing a proactive, preventive schoolwide Multi-Tiered Systems of Support (MTSS) Framework and a robust set of strategies for other means of correction (OMC). This promotes the teaching, modeling, and acknowledgment of expected behaviors for all students to develop the social-emotional, mental, and academic success of the whole child, whole classroom, whole school, and whole community.

Healing-centered practices create safe spaces, establish predictability, build a sense of trust, offer choices and help students and adults stay regulated. School and district staff must work to acknowledge and address these unconscious biases about the decisions they make and recognize their own triggers. It is only when someone is calm or regulated, that they are able to form trusting relationships or relate, and access their ability to understand, think, and reflect or reason. Prior to responding to a behavior, school staff should ask themselves:

- Am I okay?
- Am I having an emotional response to this?
- How might my lived experience or biases impact my decision making at this moment?
- What might be the function or reason for the student's behavior?

The following table provides alternatives to suspension or other means of correction where students remain engaged in their school community, while reflecting and learning from their mistakes. These suggestions are intended to provide guidance and are not inclusive of all possible alternatives or other means of correction. Other means of correction, when implemented with fidelity, can reduce suspensions, recurrence of problem behaviors, and create a safe, healthy, welcoming, and affirming school community.

***Note: For any OMC applied, a clear goal should be established in partnership with the student and family, with progress monitoring to determine the effectiveness of the supportive measure, response, or intervention.***

Other Means of Correction	Description	Suggested Strategies	Participants
Brief Intervention Class/Mini Course	Staff led units of self-study related to the student's challenging behavior. These minicourses should be designed to teach students about self-awareness of the specific behavior exhibited and should be taught during the academic day.	<ul style="list-style-type: none"> <li>• Mindfulness activities</li> <li>• Self-management strategies</li> <li>• Healthy coping skills</li> <li>• Conflict Resolution techniques</li> <li>• District adopted SEL programs</li> </ul>	<p><b>Desired:</b> Teacher/Staff, student</p> <p><b>Optional:</b> Admin or designees, site support staff, guardian</p>
Social Action or Service	A student completes an act of service that is commiserate with the impact of the problem behavior (s). The goal is not to shame or punish, but rather to give the student an opportunity to heal or rectify any intended or unintended consequences of their actions.	<ul style="list-style-type: none"> <li>• Campus beautification or supporting campus custodial staff</li> <li>• Schoolwide campaign (signage, videos, flyers) raising awareness of a connected issue</li> <li>• Assisting school teaching staff (ex: classroom mentor)</li> <li>• Participating in a school club or activity that leads to learning or engagement</li> </ul>	<p><b>Desired:</b> School Staff, student, guardian</p> <p><b>Optional:</b> Admin or designees, site support staff, custodial staff, campus assistants</p>
Referral to Counseling	Consult with COST, school counselor or other appropriate mental health staff when a student is exhibiting a pattern of challenging behavior. Collaborate to teach student replacement skills and offer strategies to decrease the behavior.	<ul style="list-style-type: none"> <li>• Individual or small group counseling sessions with school-based mental health provider(s)</li> <li>• Substance Use Counseling</li> <li>• Extended services provided by an outside mental health professional</li> <li>• Referral to Family counseling services</li> </ul>	<p><b>Desired:</b> Student, Counselor(s), guardian, school support staff</p> <p><b>Optional:</b> Administrator or designee</p>
Teach Replacement Behavior, Behavior Agreement, Behavior Monitoring	Focus on increasing desirable behavior and replacing challenging behavior.	<ul style="list-style-type: none"> <li>• Check-in/check-out</li> <li>• Adult mentor/monitor</li> <li>• School-to-home communication log</li> <li>• Reinforcement of targeted behavior (4:1 acknowledgement)</li> <li>• Behavior Contract</li> <li>• No Contact Contract</li> </ul>	<p><b>Desired:</b> Student, Teacher(s) Counselor(s), guardian, school support staff</p> <p><b>Optional:</b> Administrator or designee, paraprofessionals</p>
Educational Projects	Project meant to bring self-awareness and offer self-management skills by integrating learning objectives to address challenging behaviors.	<ul style="list-style-type: none"> <li>• Project on a specific topic related to the incident (e.g., research the laws/rules associated with the incident)</li> <li>• Connect with community organizations for information</li> <li>• Interview trusted adults about impact of issue</li> <li>• Video or public service announcement</li> <li>• Partnership with student council, student leadership clubs, etc.</li> </ul>	<p><b>Desired:</b> Student, teacher(s), guardian</p> <p><b>Optional:</b> School support staff, paraprofessional(s)</p>

Other Means of Correction	Description	Suggested Strategies	Participants
Peer Mentoring or Mediating/Conflict Resolution	Peer mediators are trained to assist their classmates in developing communication, interpersonal, or conflict resolution skills.	<ul style="list-style-type: none"> <li>• Involve older peers to help model and mentor</li> <li>• Restorative Circle or Dialogue</li> </ul>	<p><b>Desired:</b> Student, teacher(s), student leaders,</p> <p><b>Optional:</b> Guardian, admin or designee</p>
Personal Development Project	Student support team identifies an area of interest and links learning to a necessary skill for the student.	<ul style="list-style-type: none"> <li>• Shadowing adult mentor or school staff</li> <li>• Participating in a community based organization's activity</li> <li>• College and career research, goal setting, long-term planning</li> </ul>	<p><b>Desired:</b> Student, guardian, site support staff</p> <p><b>Optional:</b> Community-based organization partner or liaison</p>
Reflective Task	Provide students with the time, opportunity, and structures to reflect on their challenging behavior and how it impacts their environment or community.	<ul style="list-style-type: none"> <li>• Journaling</li> <li>• Create a story (e.g., written, visual, drawings, video) about their learning</li> <li>• Write a letter to yourself</li> <li>• Role play</li> <li>• Written or verbal apology</li> </ul>	<p><b>Desired:</b> Student, teacher(s)</p> <p><b>Optional:</b> Guardian, Administrator or designee, school support staff</p>
Restorative/Healing Centered Practices	Utilizing Restorative Practices in an effort to repair the harm and promote healing. The focus is on personal accountability and well-being for all affected.	<ul style="list-style-type: none"> <li>• Guardian, teacher, student dialogue utilizing restorative questions</li> <li>• Conduct restorative circles or conferences</li> <li>• Follow-up support plan for those involved and co-constructed by the group</li> </ul>	<p><b>Desired:</b> Student, teacher(s), school support staff, guardian</p> <p><b>Optional:</b> Administrator or designee</p>
Loss of Privilege	Removing a desired activity or privilege as a consequence for challenging behavior. Co-construct the consequence and/or explain the reason for the decision with the student and/or family.	<ul style="list-style-type: none"> <li>• Exclusion from extra-curricular activities, school events, clubs, or sports teams</li> <li>• Involuntary Transfer</li> <li>• Detention</li> <li>• Parent/guardian escort to and from school OR guardian shadows student at school</li> </ul>	<p><b>Desired:</b> Student, guardian, administrator or designee</p> <p><b>Optional:</b> Site support staff, athletic coaches or club advisors (as needed)</p>

## DISCIPLINE PROTOCOLS

Communication between school and home is critical to our students' success. Therefore, all disciplinary interventions and supports shall include parent/guardian contact and/or conference. We want our families to be partners in education at all times.

Per CA Ed Code 48910, a teacher may suspend a student from their class for up to two days, including the day of the incident. The teacher must contact the parent/guardian, set up a parent/guardian conference, and arrange to have work for the student to do in an in-school alternate setting. The teacher is responsible for collaborating with the site administrator to determine the most appropriate alternate setting. These incidents must be documented in Aeries.

In accordance with Education Code 48911, all home suspensions shall be preceded by an informal conference conducted by the principal (or the principal's designee), the pupil, and whenever practicable, the teacher or supervisor or school employee who referred the pupil to the principal.

- At this conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.
- At the time of the suspension, a school employee shall make a reasonable effort to contact the pupil's parent/guardian in person or by telephone, and the parent/guardian shall be notified in writing of the suspension within 24 hours. If the parent/guardian cannot be reached, the student's emergency contact number will be called.
- If the student is released to someone other than the parent/guardian, the school will make arrangements to meet to discuss the situation with the parent/guardian as soon as it is practicable to do so.

Some unauthorized items brought to school and confiscated by staff may be returned to the student at the end of the school day on the first offense unless the items are held as evidence. Items that would not be returned to the student would include (but are not limited to) weapons (knives, mace, brass knuckles, etc) drugs, tobacco, alcohol, vape pens, Upon the second offense, confiscated items may be released by the administration to a parent/guardian, unless held as evidence. Items not recovered by the end of the school year may be discarded.

**Neither the District nor its employees are liable for damage or loss to confiscated items.** The primary objective of requiring students not to bring restricted materials to school is to ensure students' focus on educational tasks, safety, and to prevent the loss or damage of private property.

### Education Code 48900 (k) Offenses

Effective July 2020, Senate Bill No. 419 added grades 4-5 and 6-8 shall not be suspended and K-12 recommended for expulsion. 08/04/2022. AUSD has expanded this, as noted below.

Willful defiance and/or disruption of school activities and/or the learning environment cannot be used for any offense for Grades TK-12 students per AUSD Board Policy 5144.1. (You can view the entire AR 5144.1 [here](#)). The following excerpt specifically addresses defiance:

*As provided in California Education Code section 48900(k), no student enrolled in grades T-Kindergarten through third grade may be suspended or expelled for disrupting school activities or willfully defying the*

authority of school personnel (“disruption and willful defiance”) and no student regardless of grade may be expelled for willful defiance or disruption.

Effective July 1, 2019, no student enrolled in grades T-Kindergarten through twelve (TK-12) grades may be suspended or expelled for disrupting school activities or willfully defying the authority of school personnel. Suspension and expulsion shall not be imposed for a violation of Education Code section 48900(k), including disruption of school activities or willful defiance. The District expects schools to develop appropriate interventions, for example, behavioral plans, restorative circles, or SEL groups for students who engage in a pattern of defiant behavior.

AUSD definition of defiance is “when a student continues to disobey a school official, teacher, or administrator after having been taught the expectations and expectations of the school and the student displays behavior that directly interferes with the rights of others to learn”

### Examples of 48900(k) violations and interventions

<b>Disruptive Behaviors (Examples - not inclusive of all disruptive behavior)</b>	<b>1st Occurrence Intervention</b>	<b>2nd Occurrence intervention</b>	<b>Additional Occurrences Intervention</b>
Bicycle/skateboard/ Scooter - unsafe riding practices	<a href="#"><u>OMC</u></a> <b>Warning</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b>	<a href="#"><u>OMC</u></a> <b>Administrator Referral</b>
Plagiarism, or other act of academic dishonesty (oral or written)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> (site to determine if additional consequences are warranted)	<a href="#"><u>OMC</u></a> <b>Conference (all parties)</b> (site to determine if additional consequences are warranted)	<a href="#"><u>OMC</u></a> <b>Conference (all parties)</b> (site to determine if additional consequences are warranted)
Detention - Failure to Attend or disruption during Detention	<a href="#"><u>OMC</u></a> <b>Reschedule Detention</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Notification</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b>
Electronic devices used on campus (see 48900(r) specific for bullying)	<b>Warning</b> <b>Review Responsible Use Policy</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b>	<a href="#"><u>OMC</u></a> <b>Administrator Conference</b>
Failure to leave classroom when requested by staff member	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Notification</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Administrator Conference</b> (Stress safety concerns)
Failure to report to administrator’s office when sent	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Notification</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Administrator Conference</b> (Stress safety concerns)
False fire alarm (this is not 48900.4)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Notification</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Administrator Conference</b> (Stress safety concerns)
Forgery of school personnel name or initials	<a href="#"><u>OMC</u></a> <b>Warning</b> <b>Parent/Guardian Notification</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b>	<a href="#"><u>OMC</u></a> <b>Administrator Conference</b>



Gambling	<a href="#"><u>OMC</u></a> <b>Warning</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b> <b>Loss of Privileges</b>
<b>Disruptive Behaviors (Examples - not inclusive of all disruptive behavior)</b>	<b>1st Occurrence Intervention</b>	<b>2nd Occurrence intervention</b>	<b>Additional Occurrences Intervention</b>
Leaving class without permission/ Violation of Closed Campus/ On another school campus	<a href="#"><u>OMC</u></a> <b>Warning</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> <b>Referral to COST</b> <b>Behavior Supports such as:</b> <ul style="list-style-type: none"> <li>• Daily/Weekly Behavior Form</li> <li>• Check In Check Out (CICO)</li> </ul>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b>
Inappropriate dress/ dress code violations	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Administrator conference/ Counseling Referral</b>
Replicas of dangerous objects (possession of)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b>	<a href="#"><u>OMC</u></a> <b>Administrator Conference</b>
Running away from school authorities, failure to identify oneself or giving false identity to school personnel, loitering on or about campus without an apparent and lawful purpose.	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b>	<a href="#"><u>OMC</u></a> <b>Administrator conference</b> <b>Counseling Referral</b> <b>Loss of Privileges</b>
Roughhousing/ Horseplay ( <i>pushing, shoving, playing roughly, play fighting, wrestling, etc</i> )	<a href="#"><u>OMC</u></a> <b>Warning</b> (Stress safety concerns)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> (Stress safety concerns) <b>Behavior Support Plan</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian Conference</b> <b>Behavior Contract</b>
School bus misbehavior	<a href="#"><u>OMC</u></a> <b>Warning</b> <b>Teach appropriate behaviors</b>	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> (Stress safety concern)	<a href="#"><u>OMC</u></a> <b>Bus Suspension</b> <b>Parent/Guardian conference</b>
Technology -Inappropriate/unauthorized use of computers or other personal electronic devices	<a href="#"><u>OMC</u></a> <b>Warning</b> (Refer to Responsible Use Policy)	<a href="#"><u>OMC</u></a> <b>Parent/Guardian notification</b> (Refer to Responsible Use Policy)	<a href="#"><u>OMC</u></a> <b>Computer rights revoked</b> <b>Parent/Guardian conference</b>

# ELEMENTARY BEHAVIOR MATRIX

The following matrix outlines the California State Education Code Violations and the disciplinary interventions and consequences for each violation. Education Code 48900(a)-48900.7 offenses are outlined below. Interventions are offered and consequences are given based on the level of harm caused when a student commits one of these violations.

## We define Level of Harm by the breadth and depth of the impact:

- **Nature of Harm Level 1:** Offense that had a minor impact on the individual(s) involved and the community.
  - *Examples: A student is cutting class; inappropriate use of electronic devices in class, etc. These are typically teacher managed behavior and are NOT suspendable offenses.*
- **Nature of Harm Level 2:** Offense that moderately impacted the individual(s) involved and the community.
  - *Examples: Inappropriate jokes (racist, sexist, homophobic, transphobic, ableist, body shaming, etc) without malicious intent; multiple students involved in substance use; extreme classroom disruption with harmful language/actions; repeated refusal to follow staff direction or reteaching of expected behavior; etc.*
- **Nature of Harm Level 3:** Offense that significantly impacted the individual(s) involved and the community.
  - *Examples: Malicious acts or speech of hate (racist, sexist, homophobic, transphobic, ableist, body shaming, etc) intended to cause serious harm ; sale or distribution of controlled substances; sexual assault/battery; sales of controlled substances; serious physical injury; etc.*

## **Education Code 48900.5 states: "Suspension shall be imposed only when other means of correction fail to bring about proper conduct."**

- *Suspension may occur on the first offense only if " the pupil violated subdivision (a), (b), (c ), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process."*
- **Other Means of Correction (OMC)** should be utilized as a first choice in all circumstances where outlined.  
If appropriate, the administrator is not limited to one OMC per occurrence.
- **Not on First Offense (NOFO):** Instances where we do not suspend on first offense per EC 48900.5

**Education Code 48900 (a) – 48900.7 offenses.** For these charges, the school has jurisdiction for those behaviors occurring: while on school grounds; while going to or coming from school; during the lunch period, whether on or off the campus; and during or while going to or coming from, a school activity.

**Administrators must consult with the Assistant Superintendent of Educational Services before utilizing 48915 (a) and (c) charges. Recommendation for expulsion must be reported to the Assistant Superintendent of Educational Services on the day of suspension.**

## Education Codes 48900 (a)(1)-48900.7

Ed Code	Violation	Harm Level	1st Occurrence Intervention	2nd Occurrence Intervention	Additional Occurrences Intervention
48900(a)(1)	<b>Physical Injury</b> Caused, attempted to cause, or threatened to cause physical injury to another person	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Teach Conflict Resolution Skills</li> <li>• Daily/Weekly Behavior Form or Check In Check Out</li> </ul>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(a)(2)	<b>Force/Violence</b> Willfully used force or violence upon the person of another, except in self defense	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Teach Conflict Resolution Skills</li> </ul>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Daily/Weekly Behavior Form or Check In Check Out</li> </ul>	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(b)	<b>Dangerous Objects</b> Possessed, sold, or furnished a firearm, knife, explosive, or other dangerous object  <i>Knife is less than 3.5 inches and non-locking blade</i>	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Referral to Counseling</li> </ul> <p><i>*Possession of a firearm results in charge of 48915 (c)(1)</i></p>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Daily/Weekly Behavior Form or Check In Check Out</li> </ul>	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if principal finds that the expulsion is appropriate due to the particular circumstance
48900(c)	<b>Under the Influence</b> Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of a controlled substance, alcoholic beverage, intoxicant	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection sheet</li> <li>• Referral to COST team</li> <li>• Referral to Counseling</li> </ul> <p><i>*Sale of a controlled substance will result in charge of 48915 (c)(3)</i></p>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Substance use counseling</li> </ul>	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if principal finds that the expulsion is appropriate due to the particular circumstance
48900(d)	<b>Controlled Substance</b> Unlawfully offered, arranged, or negotiating to sell a controlled substance, alcoholic	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection sheet</li> <li>• Referral to COST team</li> <li>• Personal Development Project</li> </ul>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative</li> </ul>	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return, Principal's Conference, may notify Law Enforcement and possible recommendation for

	beverage, intoxicant of any kind, either sold, delivered, furnished to a person another liquid		<i>*Sale of a controlled substance will result in charge of 48915 (c)(3)</i>	conference ● Behavior Contract or Behavior Support Plan (BSP) ● Social Action or Service	expulsion if principal finds that the expulsion is appropriate due to the particular circumstance
Ed Code	Violation	Harm Level	1st Occurrence Intervention	2nd Occurrence Intervention	Additional Occurrences Intervention
48900(g)	<b>Stole/Steal Property</b> Stole, or attempting to steal school property or private property	2	<a href="#">OMC (NOFO)</a> ● Parent/Guardian notification ● Reflection sheet ● Referral to COST team ● Behavior Agreement ● Social Action or Service	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return  ● Formal Restorative conference ● Behavior Contract or Behavior Support Plan (BSP) ● Daily Behavior Form or Check In Check Out	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(h)	<b>Tobacco</b> Tobacco or tobacco products (possessed, used)	1	<a href="#">OMC (NOFO)</a> ● Parent/Guardian notification ● Referral to Brief Intervention Class or counseling ● Referral to COST team	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return  ● Formal Restorative conference ● Behavior Contract or Behavior Support Plan (BSP) ● Attending Tier 2 or 3 support	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return
48900(i)	<b>Obscene Act/Profanity/Vulgarity</b> Committed an obscene act or engaged in habitual profanity or vulgarity	2	<a href="#">OMC (NOFO)</a> ● Parent/Guardian notification ● Reflection sheet ● Referral to COST team ● Restorative Circle ● Social Action or Service	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return  ● Formal Restorative conference ● Behavior Contract or Behavior Support Plan (BSP) ● Daily Behavior Form or Check In Check Out	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return
48900(j)	<b>Drug Paraphernalia</b> Unlawfully possessed or unlawfully offered, arranged or negotiated to sell drug paraphernalia	2	<a href="#">OMC (NOFO)</a> ● Parent/Guardian notification ● Reflection sheet ● Referral to COST team ● Restorative Circle ● Daily Behavior Form or Check In Check Out (CICO)	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return  ● Formal Restorative conference ● Behavior Contract or Support Plan (BSP) ● Referral to Counseling	<a href="#">OMC</a> or 1-3 day out of school suspension, may be required to check in with administration upon return
48900(k)	<b>Defiance/Disruption</b> Willful defiance and/or disruption of school activities and/or the learning environment	1	<a href="#">OMC (Never Suspend)</a> ● Parent/Guardian notification ● Reflection sheet ● Referral to COST team ● Behavior Agreement	<a href="#">OMC</a>  See 48900 (k) chart above	<a href="#">OMC</a>  See 48900 (k) chart above

			See 48900 (k) chart above		
Ed Code	Violation	Harm Level	1st Occurrence Intervention	2nd Occurrence Intervention	Additional Occurrences Intervention
48900(l)	<b>Stolen Property/Private Property</b>  Knowingly received stolen school or private property	1	<u>OMC (NOFO)</u> <ul style="list-style-type: none"> <li>● Parent/Guardian notification</li> <li>● Reflection Sheet</li> <li>● Restorative Circle</li> <li>● Referral to COST team</li> <li>● Social Action or Service</li> <li>● Personal Development Project</li> </ul>	<u>OMC</u> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>● Formal Restorative Conference</li> <li>● Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<u>OMC</u> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(m)	<b>Imitation Firearm</b> Possession of an imitation firearm, means a replica of a firearm that is similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm  <a href="#">Penal Code 12556.</a>	2	<u>OMC (NOFO)</u> <ul style="list-style-type: none"> <li>● Parent/Guardian notification</li> <li>● Reflection Sheet</li> <li>● Referral to COST team</li> <li>● Daily Behavior Form or Check In Check Out (CICO)</li> <li>● Social Action or Service</li> </ul>	<u>OMC</u> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>● Formal Restorative conference</li> <li>● Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<u>OMC</u> or 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance
48900(n)	<b>Sexual Assault/Battery</b> Committed or attempted to commit a sexual assault or committed a battery (as defined by CA Penal Code)  <i>*First occurrence or minor offense</i>	2	<u>OMC (*NOFO)</u> <ul style="list-style-type: none"> <li>● Parent/Guardian notification</li> <li>● Referral to Counseling</li> <li>● Behavior Agreement</li> <li>● No contact contract</li> <li>● Restorative Circle</li> </ul>	<u>OMC</u> or 1 day out of school suspension, may be required to check in with administration upon return <i>*May result in a charge of 48915 (c)(4)</i> <ul style="list-style-type: none"> <li>● Formal Restorative conference</li> <li>● Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<u>OMC</u> or 1-3 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement  <i>*May result in a charge of 48915 (c)(4)</i>
48900(o)	<b>Harassed, threatened, intimidated a witness</b> Harassed, threatened, or intimidated a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation	2	<u>OMC (NOFO)</u> <ul style="list-style-type: none"> <li>● Parent/Guardian notification</li> <li>● Referral to Counseling</li> <li>● Behavior Agreement</li> <li>● No contact contract</li> <li>● Restorative Circle</li> </ul>	<u>OMC</u> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>● Formal Restorative Conference</li> <li>● Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<u>OMC</u> or 1-3 day out of school suspension, may be required to check in with administration upon return

Ed Code	Violation	Harm Level	1st Occurrence Intervention	2nd Occurrence Intervention	Additional Occurrences Intervention
48900(p)	<b>Prescription Drug/Soma</b> Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Referral to COST</li> <li>• Personal Development Project or Social Action or Service</li> <li>• Daily Wellness Check-in</li> </ul>	<b>OMC</b> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Referral to Counseling</li> <li>• Behavior contract or Support Plan (BSP)</li> </ul>	<b>OMC</b> or 1-3 day out of school suspension, may be required to check in with administration upon return
48900(q)	<b>Hazing</b> Engaged in, or attempted to engage in, hazing.  For full definition/Ed Code, <a href="#">click this link</a>	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• No contact contract</li> </ul>	<b>OMC</b> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Daily Behavior Form or Check In Check Out</li> </ul>	<b>OMC</b> or 1-3 day out of school suspension, may be required to check in with administration upon return
48900(r)	<b>Bullying</b> Engaged in an act of bullying, including, but not limited to electronic act, directed toward a pupil or school personnel	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• No contact contract</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Social Action or Service</li> </ul>	<b>OMC</b> or 1-3 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(t)	<b>Aids or Abets</b> A pupil who aids or abets, infliction or attempted infliction of physical injury to another person	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Restorative Circle</li> <li>• Personal Development Project</li> <li>• Social Action or Service</li> </ul>	<b>OMC</b> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> </ul>	<b>OMC</b> or 1-3 day out of school suspension, may be required to check in with administration upon return
48900.2	<b>Sexual Harassment</b> Committed sexual harassment  <b>(Grades 4 – 12 only)</b>	2	<b>OMC</b> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Referral to Counseling</li> <li>• Behavior Contract</li> <li>• No contact contact</li> </ul>	<b>OMC</b> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> </ul>	<b>OMC</b> or 1-5 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance

Ed Code	Violation	Harm Level	1st Occurrence Intervention	2nd Occurrence Intervention	Additional Occurrences Intervention
48900.3	<b>Hate Violence</b> Caused, attempted to cause, threatened to cause, or participated in any act of hate violence  <i>(Grades 4 – 12 only)</i>	2	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Behavior Contract</li> <li>• No contact contract</li> <li>• Referral to COST team</li> <li>• Personal Development Project</li> <li>• Social Action or Service</li> </ul>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<a href="#">OMC</a> or 1-5 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance
48900.4	<b>Harassment/Threats/Intimidation</b> Engaged in harassment, threats, or intimidation, directed against school District personnel or pupils <i>(Grades 4 – 12 only)</i>	2	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Behavior Contract</li> <li>• No contact contract</li> <li>• Referral to COST team</li> <li>• Restorative Circle</li> <li>• Personal Development Project</li> <li>• Social Action or Service</li> </ul>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Attend Tier 2 or 3 support</li> </ul>	<a href="#">OMC</a> or or 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance
48900.7	<b>Terroristic threats</b> Terroristic threats against school officials, school property or both	2	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Behavior Contract</li> <li>• No contact contract</li> <li>• Referral to Counseling</li> </ul>	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Attend Tier 2 or 3 support</li> </ul>	<a href="#">OMC</a> or or 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance

**Education Code 48915 (a) offenses, which are more serious in nature and will result in mandatory suspension and possible recommendation for expulsion from Alameda Unified School District. For 48915 (a) charges, the administrator has jurisdiction for behaviors occurring: while on school grounds and at a school activity.**

**Administrators must consult with the Assistant Superintendent of Educational Services before utilizing a 48915 (a) charge. Recommendation for expulsion must be reported to the Assistant Superintendent of Educational Services on the day of suspension.**



## Education Codes 48915(a)

Ed Code	Violation	Harm Level	Initial Occurrence	Additional Occurrences	Interventions/Supports
48915(a)(1)(A)	<b>Serious Physical Injury</b> Causing serious physical injury to another person except in self-defense	3	<a href="#">OMC</a> or possible 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<a href="#">OMC</a> or possible 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team Formal Restorative Conference
48915(a)(1)(B)	<b>Knife/Dangerous Object</b> Possession of any knife, or other dangerous object of no reasonable use to the pupil  <i>*Knife is longer than 3.5 inches and/or locking blade</i>	2	<a href="#">OMC</a> or possible 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<a href="#">OMC</a> or possible 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team
48915(a)(1)(C)	<b>Controlled Substance</b> Unlawful possession of any controlled substance <i>except for the first offense of possession of not more than one avoirdupois ounce of marijuana</i>	2	<a href="#">OMC</a> or possible 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<a href="#">OMC</a> or possible 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Substance Use Counseling Other Counseling Support Check In Check Out (CICO) Referral to COST team
48915(a)(1)(D)	<b>Robbery or Extortion</b> Robbery or Extortion	2	<a href="#">OMC</a> or possible 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<a href="#">OMC</a> or possible 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team Formal Restorative Conference
48915(a)(1)(E)	<b>Assault or Battery/School Employee</b> Assault or battery upon any school employee	3	<a href="#">OMC</a> or possible 1-3 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<a href="#">OMC</a> or possible 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team Formal Restorative Conference



**Education Code 48915 (c) violations represent the MOST egregious offenses and will result in the mandatory recommendation for expulsion from AUD.**

**For 48915 (c) violations, the behavior must have occurred at school or at a school activity.**

**Administrators must consult with the Assistant Superintendent of Educational Services before utilizing a 48915 (c) charge. Recommendation for expulsion must be reported to the Assistant Superintendent of Educational Services on the day of suspension.**

### **Education Codes 48915(c)**

Ed Code	Violation	Initial Occurrence
48915(c)(1)	Possessing, selling, or otherwise furnishing a firearm. <i><b>*Must be verified/witnessed/observed by District employee</b></i>	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference, notify Law Enforcement and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(2)	Brandishing a knife	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(3)	Unlawful selling a controlled substance	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(4)	Committing or attempting to commit sexual assault or battery	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(5)	Possession of an explosive	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference, notify Law Enforcement and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>

### **Definitions:**

- **Brandishing:** "with reference to a dangerous weapon (including a firearm) means that all or part of the weapon was displayed, or the presence of the weapon was otherwise made known to another person, in order to intimidate that person, regardless of whether the weapon was directly visible to that person. Accordingly, although the dangerous weapon does not have to be directly visible, the weapon must be present."
- **Explosives:** are chemical compounds or mixtures that undergo rapid burning or decomposition with the generation of large amounts of gas and heat, leading to sudden pressure effects.
- **Firearm:** The term firearm includes rifles, shotguns, revolvers, pistols, or any other device designed to be used as a weapon from which a projectile is expelled by the force of any form of combustion. The term firearm includes the frame or receiver. (Penal Code § 12001.)
- **Selling:** to exchange possession and ownership of goods or property for money or something of value.
- **Sexual Assault:** Committed or attempted to commit an act of sexual battery, rape, or statutory rape, lewd and lascivious conduct, molestation, etc.
- **Sexual Battery:** As defined in Penal Code Section 243.4(d)(1): "Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for specific purpose of sexual arousal, sexual gratification, or sexual abuse." Intimate part means the "sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

# SECONDARY BEHAVIOR MATRIX

The following matrix outlines the California State Education Code Violations and the disciplinary interventions and/or supports for each violation. Education Code 48900(a)-48900.7 offenses are outlined below. Interventions are offered and consequences are given based on the level of harm caused when a student commits one of these violations.

## We define Level of Harm by the breadth and depth of the impact:

- Nature of Harm Level 1: Offense that had a minor impact on the individual(s) involved and the community.
  - *Examples: A student is cutting class; inappropriate use of electronic devices in class, etc. These are typically teacher managed behavior and are NOT suspendable offenses.*
- Nature of Harm Level 2: Offense that moderately impacted the individual(s) involved and the community.
  - *Examples: Inappropriate jokes (racist, sexist, homophobic, transphobic, ableist, body shaming, etc) without malicious intent; multiple students involved in substance use; extreme classroom disruption with harmful language/actions; repeated refusal to follow staff direction or reteaching of expected behavior; etc.*
- Nature of Harm Level 3: Offense that significantly impacted the individual(s) involved and the community.
  - *Examples: Malicious acts or speech of hate (racist, sexist, homophobic, transphobic, ableist, body shaming, etc) intended to cause serious harm ; sale or distribution of controlled substances; sexual assault/battery; sales of controlled substances; serious physical injury; etc.*

## Education Code 48900.5 states: "Suspension shall be imposed only when other means of correction fail to bring about proper conduct."

- *Suspension may occur on the first offense only if " the pupil violated subdivision (a), (b), (c ), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process."*
- **Other Means of Correction (OMC)** should be utilized as a first choice in all circumstances where outlined.  
If appropriate, the administrator is not limited to one OMC per occurrence.
- **Not on First Offense (NOFO):** Instances where we do not suspend on first offense per EC 48900.5

**Education Code 48900(a) – 48900.7 offenses.** For these charges, the school has jurisdiction for those behaviors occurring: while on school grounds; while going to or coming from school; during the lunch period, whether on or off the campus; and during or while going to or coming from, a school sponsored activity.

**Administrators must consult with the Assistant Superintendent of Educational Services before utilizing 48915(a) and (c) charges. Recommendation for expulsion must be reported to the Assistant Superintendent of Educational Services on the day of suspension.**

## Education Codes 48900(a)(1)-48900.7

Ed Code	Violation	Harm Level	1st Occurrence	2nd Occurrence	Additional Occurrences
48900(a)(1)	<b>Physical Injury</b> Caused, attempted to cause, or threatened to cause physical injury to another person	2	<b>OMC</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Teach Conflict Resolution Skills</li> <li>• Referral to COST team</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Daily Behavior Form or Check In Check Out</li> <li>• Referral to Counseling</li> </ul>	<b>OMC</b> or 2-4 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(a)(2)	<b>Force/Violence</b> Willfully used force or violence upon the person of another, except in self- defense	2	<b>OMC</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Teach Conflict Resolution Skills</li> <li>• Referral to COST team</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(b)	<b>Dangerous Object</b> Possession, sold, or furnished a firearm, knife, explosive, or other dangerous object <b><i>Knife is less than 3.5 inches and non-locking blade</i></b>	2	<b>OMC</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Personal Development Project</li> </ul> <p><b><i>*Possession of a firearm will result in charge of 48915 (c)(1)</i></b></p>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return a Parent Teacher conference <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if principal finds that the expulsion is appropriate due to the particular circumstance
48900(c)	<b>Under the Influence</b> Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, alcoholic beverage, intoxicant	2	<b>OMC</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Brief Intervention Class/counseling</li> </ul> <p><b><i>*Sale of a controlled substance will result in charge of 48915 (c)(3)</i></b></p>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the principal finds that the expulsion is appropriate due to the particular circumstance

Ed Code	Violation	Harm Level	1st Occurrence	2nd Occurrence	Additional Occurrences
48900(d)	<b>Controlled Substance</b> Unlawfully offered, arranged, or negotiating to sell a controlled substance, alcoholic beverage, intoxicant of any kind, either sold, delivered, furnished to a person another liquid	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Brief Intervention Class/counseling</li> <li>• Personal Development Project</li> </ul> <p><i>*Sale of a controlled substance will result in charge of 48915 (c)(3)</i></p>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the principal finds that the expulsion is appropriate due to the particular circumstance
48900(e)	<b>Robbery/Extortion</b> Committed or attempted to commit robbery or extortion	2	<a href="#">OMC</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• No Contact Contract</li> </ul> <p><i>*Robbery or extortion will result in charge of 48915 (a)(1)(D)</i></p>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the principal finds that the expulsion is appropriate due to the particular circumstance
48900(f)	<b>Damage to School/Private Property</b> Caused or attempted to cause damage to school or private property (including Graffiti and Tagging)	2	<a href="#">OMC (NOFO)</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Social Action or Service</li> </ul>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Daily Behavior Form or Check In Check Out</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement if damage was of significant value
48900(g)	<b>Theft</b> Stole, or attempting to steal school property or private property	2	<a href="#">OMC (NOFO)</a> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Social Action or Service</li> <li>• Personal Development Project</li> </ul>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify police

Ed Code	Violation	Harm Level	1st Occurrence	2nd Occurrence	Additional Occurrences
48900(h)	<b>Tobacco/Vaping</b> Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel	1	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Brief Intervention Class/counseling</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC</b> or possible 1-3 days out of school suspension
48900(i)	<b>Obscene Act/Profanity/Vulgarity</b> Committed an obscene act or engaged in habitual profanity or vulgarity	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Social Action or Service</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return
48900(j)	<b>Drug Paraphernalia</b> Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Brief Intervention Class/counseling</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 1-3 days out of school suspension, may be required to check in with administration upon return
48900(k)	<b>Defiance/Disruption</b> Willful defiance and/or disruption of school activities and/or the learning environment	1	<b>OMC (Never suspend)</b> <b>See 48900 (k) chart</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> </ul>	<b>OMC</b> <b>See 48900 (k) chart</b>	<b>OMC</b> <b>See 48900 (k) chart</b>

Ed Code	Violation	Harm Level	1st Occurrence	2nd Occurrence	Additional Occurrences
48900(l)	<b>Stolen Property/Private Property</b> Knowingly received stolen school or private property	1	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Social Action or Service</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(m)	<b>Imitation Firearm</b> Possession of an imitation firearm, means a replica of a firearm that is similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a Firearm	2	<b>OMC, (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• Social Action or Service</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement, and possible recommendation for expulsion if the Principal if the principal finds that the expulsion is appropriate due to the particular circumstance
48900(n)	<b>Sexual Assault/Battery</b> Committed or attempted to commit a sexual assault or committed a battery	2-3	<b>OMC (*NOFO)</b> <i>(possible 1-2 day out of school suspension depending on severity level)</i> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> </ul> <p><i>*Minor offense (ex. accidental contact)</i></p>	<b>OMC</b> or possible 1-3 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul> <p><b>*May result in a charge of 48915 (c)(4).</b></p>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement  <b>*May result in charge 48915 (c)(4).</b>
48900(o)	<b>Harassed/Threatened/Intimidated a Witness</b> Harassed, threatened, or intimidated a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• No Contact Contract</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement

Ed Code	Violation	Harm Level	1st Occurrence	2nd Occurrence	Additional Occurrences
48900(p)	<b>Prescription Drug/Soma</b> Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Referral to COST</li> <li>• Personal Development Project or Social Action or Service</li> <li>• Daily Wellness Check-in</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior Contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(q)	<b>Hazing</b> Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing"	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• No contact contract</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Daily Behavior Form or Check In Check Out)</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(r)	<b>Bullying</b> Engaged in an act of bullying, including, but not limited to electronic act, directed toward a pupil or school personnel	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Reflection Sheet</li> <li>• Restorative Circle</li> <li>• Referral to COST team</li> <li>• No contact contract</li> <li>• Personal Development Project</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Referral to Counseling</li> <li>• Social Action or Service</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900(t)	<b>Aids or Abets</b> A pupil who aids or abets, infliction or attempted infliction of physical injury to another person	2	<b>OMC (NOFO)</b> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Restorative Circle</li> <li>• Personal Development Project</li> <li>• Social Action or Service</li> </ul>	<b>OMC</b> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> </ul>	<b>OMC or possible</b> 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement

Ed Code	Violation	Harm Level	1st Occurrence	2nd Occurrence	Additional Occurrences
48900.2	<b>Sexual Harassment</b> Committed sexual harassment <i>(Grades 4 – 12 only)</i>	2	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Referral to Counseling</li> <li>• Behavior Contract</li> <li>• No contact contact</li> </ul>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900.3	<b>Hate Violence</b> Caused, attempted to cause, threatened to cause, or participated in any act of, hate violence <i>(Grades 4 – 12 only)</i>	2 -3	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Behavior Contract</li> <li>• No contact contract</li> <li>• Referral to COST team</li> <li>• Personal Development Project or Social Action or Service</li> </ul>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900.4	<b>Harassment of personnel or pupils</b> Engaged in harassment, threats, or intimidation, directed against school District personnel or pupils <i>(Grades 4 – 12 only)</i>	2	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Behavior Contract</li> <li>• No contact contract</li> <li>• Referral to COST team</li> <li>• Restorative Circle</li> <li>• Personal Development Project</li> <li>• Social Action or Service</li> </ul>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Attend Tier 2 or 3 support</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement
48900.7	<b>Terroristic Threats</b> Terroristic threats against school officials, school property or both	2	<a href="#">OMC</a> or 1 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Behavior Contract</li> <li>• No contact contract</li> <li>• Referral to Counseling</li> </ul>	<a href="#">OMC</a> or possible 1-2 day out of school suspension, may be required to check in with administration upon return <ul style="list-style-type: none"> <li>• Formal Restorative Conference</li> <li>• Behavior contract or Behavior Support Plan (BSP)</li> <li>• Attend Tier 2 or 3 support</li> </ul>	<a href="#">OMC</a> or possible 2-5 day out of school suspension, may be required to check in with administration upon return, may notify Law Enforcement



**Education Code 48915 (a) offenses, which are more serious in nature and will result in mandatory suspension and possible recommendation for expulsion from Alameda Unified School District.**

**For 48915 (a) charges, the administrator has jurisdiction for behaviors occurring: while on school grounds and at a school activity. Administrators must consult with the Assistant Superintendent of Educational Services before utilizing a 48915 (a) charge. Recommendation for expulsion must be reported to the Assistant Superintendent of Educational Services on the day of suspension.**

### **Education Codes 48915(a)(1)(A) - (a)(1)(E)**

<b>Ed Code</b>	<b>Violation</b>	<b>Harm Level</b>	<b>Initial Occurrence</b>	<b>Additional Occurrences</b>	<b>Interventions/Supports</b>
48915(a)(1)(A)	<b>Serious Physical Injury</b> Causing serious physical injury to another person except in self - defense	<b>3</b>	<b>OMC or possible</b> 1-2 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<b>OMC or possible</b> 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team
48915(a)(1)(B)	<b>Knife/Dangerous Object</b> Possession of any knife or other dangerous object of no reasonable use to the pupil <b><i>Knife is longer than 3.5 inches and/or locking blade</i></b>	<b>2</b>	<b>OMC or possible</b> 1-2 day out of school suspension, Principal's Conference, may notify Law Enforcement and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<b>OMC or possible</b> 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team
48915(a)(1)(C)	<b>Controlled Substance</b> Unlawful possession of any controlled substance except for the first offense of possession of not more than one avoirdupois ounce of marijuana	<b>2</b>	<b>OMC or possible</b> 1-2 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<b>OMC or possible</b> 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Substance Use Counseling Counseling Support Check In Check Out (CICO) Referral to COST team
48915(a)(1)(D)	<b>Robbery/Extortion</b> Robbery or Extortion	<b>3</b>	<b>OMC or possible</b> 1-2 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<b>OMC or possible</b> 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team

Ed Code	Violation	Harm Level	Initial Occurrence	Additional Occurrences	Interventions/Supports
48915(a)(1)(E)	<b>Assault/Battery School Employee</b> Assault or battery upon any school employee	<b>3</b>	<b>OMC</b> or possible 1-2 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	<b>OMC</b> or possible 3-5 day out of school suspension, Principal's Conference, may notify Law Enforcement, and possible recommendation for expulsion if the Principal finds that the expulsion is appropriate due to the particular circumstance	Counseling Support Check In Check Out (CICO) Referral to COST team

**Education Code 48915 (c) violations represent the MOST serious offenses and will result in the mandatory recommendation for expulsion from Alameda Unified School District. For 48915 (c) violations, the behavior must have occurred at school or at a school activity. Administrators must consult with the Assistant Superintendent, Educational Services before utilizing a 48915 (c) charge, with the recommendation for expulsion reported on the day of suspension.**

### **Education Codes 48915(c)(1-5)**

Ed Code	Violation	Initial Occurrence
48915(c)(1)	Possession, selling, or otherwise furnishing a firearm. Must be verified/witnessed/observed by District employee	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference, notify Law Enforcement and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(2)	Brandishing a knife	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference, and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(3)	Selling a controlled substance	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(4)	Committing or attempting to commit sexual assault or battery	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>
48915(c)(5)	Possession of an explosive	5 day out of school suspension, Notify Assistant Superintendent of Educational Services, hold a Principal's Conference, notify Law Enforcement and <b>mandatory</b> recommendation for expulsion <b>Level of Harm 3</b>

#### **Definitions:**

- **Brandishing:** "with reference to a dangerous weapon (including a firearm) means that all or part of the weapon was displayed, or the presence of the weapon was otherwise made known to another person, in order to intimidate that person, regardless of whether the weapon was directly visible to that person. Accordingly, although the dangerous weapon does not have to be directly visible, the weapon must be present."

- **Explosives:** are chemical compounds or mixtures that undergo rapid burning or decomposition with the generation of large amounts of gas and heat, leading to sudden pressure effects.
- **Firearm:** a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person.
- **Selling:** to exchange possession and ownership of goods or property for money or something of value.
- **Sexual Assault:** Committed or attempted to commit an act of sexual battery, rape, or statutory rape, lewd and lascivious conduct, molestation, etc.
- **Sexual Battery:** As defined in Penal Code Section 243.4(d)(1): “Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for specific purpose of sexual arousal, sexual gratification, or sexual abuse.” Intimate part means the “sexual organ, anus, groin, or buttocks of any person, and the breast of a female.”

## GLOSSARY

Terms and definitions as defined in Federal and State Education codes, and used in Alameda Unified School District's Administrative Regulations and Board Policies.

**Absence (Unexcused) and Truancy - EC § 48200** - Any absence that has not been both excused by a parent/guardian or legal guardian and approved by the appropriate school official.

**Aiding or abetting - EC § 48900** - Assisting, encouraging, supporting others in the act of inflicting injury to another person.

**Arson** - Starting or setting a fire on a school campus.

**Assault - EC § 48915(a)(1)(E)** - An unlawful attempt, coupled with present ability, to commit a violent injury to someone.

**Battery-EC § 48900(n)** - A willful and unlawful use of force or violence upon another and where there is a clear victim and clear abuser.

**Battery on a School Employee - EC § 48915(a)(1)(E)** - Assault or battery, as defined in Section 240 and 242 of the Penal Code, upon any school employee.

**Behavior Contract:** Written agreement between student and teacher (or admin) that outlines expectations

**Behavior Support Plan:** More intensive General Education behavior support plan

**Behavior Intervention Plan:** Intensive Special Education behavior plan

**Brandishing - EC § 48915(c)(2)** - "with reference to a dangerous weapon (including a firearm) means that all or part of the weapon was displayed, or the presence of the weapon was otherwise made known to another person, in order to intimidate that person, regardless of whether the weapon was directly visible to that person. Accordingly, although the dangerous weapon does not have to be directly visible, the weapon must be present."

**Bullying, Cyberbullying - EC § 48900(r):** "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on the pupil's physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with the pupil's academic performance.

(D) Causing a reasonable pupil to experience substantial interference with the pupil's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication.

For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

**Bus Conduct** - Students who ride school buses are expected to adhere to the same rules of conduct and behavior on the school bus as in school. Engages in misconduct, disrupts school bus travel, disrespects the school bus driver or jeopardizes the safety of school bus rides.

**Bystander** - This is a student who verbally encourages negative behavior to continue. These behaviors may include, but are not limited to: remaining at a fight even when directed to leave, saying things to encourage the fight to continue.

**Cheating** - Dishonesty on a test or school related assignment.

**Check in/Check out** - Student engagement intervention. Students check in with adults before and at the end of the school day. Adults give student behavioral reminders about expected behavior and positive and corrective feedback.

**Closed Campus Without A Pass** - Leaving campus without proper authorization.

**Controlled Substance - EC § 48900(c), (d), EC § 48915(c)(3)** - Controlled substances are drugs that are regulated by state and federal laws that aim to control the danger of addiction, abuse, physical and mental harm, the trafficking by illegal means, and the dangers from actions of those who have used the substances. Examples are: methamphetamines, cocaine, crack, heroin, LSD, PCP, or unauthorized prescription drugs.

**Schedule I.** Depressants. Stimulants. (i.e. Methaqualone, GHB, Fenethylline) **Schedule II.** Narcotics. Opiates. (i.e. Opium, Codeine, Morphine, Oxycodone, Cocaine, Fentanyl) **Schedule III.** Stimulants. Depressants. Anabolic Steroids. (i.e. Testosterone, Pentobarbital) **Schedule IV.** Narcotics. Depressants. (i.e. Butorphanol, Barbitol) **Schedule V.** Narcotics. (i.e. Buprenorphine)

**Coordination of Services Team (COST)** - is a multidisciplinary team of school staff and providers who: Meet regularly to review the needs of individual students, support students’ academic success, healthy behavioral and social emotional development and collaborate on connecting referred students to resources and interventions

**Dangerous Object - EC § 48900(b)** - Any object used in a dangerous way or an object that could cause harm to themselves or others. Examples include, but are not limited to: firearm, explosive, safety pins, laser pointers, paper clips that are opened. Consider a knife with a blade smaller than 3.5 inches as a dangerous object.

**Defiance of School Personnel's Authority - EC § 48900(k)** - Refusal to comply with reasonable requests of school personnel.

**Destruction or Defacement of Property - EC § 48900(f)** - Destroying or mutilating property or materials belonging to the school, school personnel or other persons. This includes graffiti/ tagging.

**Discipline** - To instruct, to train in accordance with the rules, an activity or exercise to improve a skill. Equipping students for behavioral and social success is a school-wide responsibility which requires the commitment and efforts of all adults – not just a select few are perceived as “disciplinarians.”

**Disorderly Conduct, Including Profanity And Obscene Behavior - EC § 48900(i)** - Conduct and/or behavior that is disruptive to the orderly educational procedure of the school.

**Drug/Alcohol - EC § 48900(c)** - The use, possession or sale of a controlled substance, or alcoholic beverage, or the selling of other substances or materials and representing such substances or material as a controlled substance or alcoholic beverage.

**Drug Paraphernalia - EC § 48900(j)** - any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful. (ie., scales, balances, hypodermic syringe, needles, bongs, roach clips, pipes)

**Due Process** - Whenever a student is deprived of their right to education through disciplinary actions such as suspension or expulsion, the student is entitled to due process. This right to due process includes the right to notice and a fair hearing prior to the administration of long-term suspension or expulsion.

**Electronic Devices** - Included are cellular phones, smartphone type devices, PDAs, MP3 players, iPod type devices, and portable computers such as laptops, iPads, tablets and netbooks, as well as portable storage devices.

**Electronic Act - EC § 48900(r)** - means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network internet website, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an internet website created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii) (I) An act of cyber sexual bullying.

(II) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

**Explosives - EC § 48915(c)(5), EC § 48900(b)** - Chemical compounds or mixtures that undergo rapid burning or decomposition with the generation of large amounts of gas and heat, leading to sudden pressure effects. (Firecrackers are considered dangerous objects)

**Explosive Devices - EC § 48915(c)(5)** - The use, possession, or sale of explosive devices. Examples are: self or handmade explosive devices, M-80, M-100, Silver Salute, M-250, M-1000, Quarter Stick, etc. Illegal explosive devices are not fireworks.

**Expulsion EC § 48918** - Removal of a pupil from (1) immediate supervision and control, or (2) the general supervision of school personnel. When a Principal recommends expulsion, the Administrator will forward the request to the Director of Student Services on or before the fifth day of suspension. The Principal will hold a Principal's Conference (PC) by the fifth day of suspension. The Student Services Administrator will notify the family to arrange for a meeting to discuss the recommendation.

**Extortion/Robbery - EC § 48900(e)** - The solicitation of money, or something of value, from another person, in return for protection, or in connection with a threat to inflict harm.

**False Fire Alarm** - Deliberately pulling or setting off school fire alarms.

**Fighting/Mutual Combat** - Engaging in or threatening an act which causes or might cause harm to another person; mutual combat between two people.

**Fighting/Assault** - Willfully using force or violence upon another except in self-defense.

**Firearm - EC § 48915(c)(1)** - A shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person.

**Forgery** - Writing and using the signature or initials of another person.

**Gambling** - Participating in games of chance for the purpose of exchanging money or something of value.

**Gang Behavior/Attire** - Engaging in behavior (writings, hand signals, intimidation, "stare down", etc.) or wearing attire (caps, shirts, "rags") or symbols (notebooks, tattoos, etc.) that signify gang affiliation or membership.

**Harassment, Threats and Intimidation - EC § 48900.4** - Intentionally engaged in harassment, threats or intimidation directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and expected effect of materially disrupting class work, creating substantial disorder and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.

**Hate Crimes/Violence - EC § 48900.3** - Actions committed because of the victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation. (a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- Disability
- Gender
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation

**Hazing - EC § 48900(q)** - Any method of initiation into a student organization or group that causes or may cause physical harm or personal degradation or disgrace resulting in physical or mental harm to a student.

**Horseplay** - rough, boisterous, or rowdy play, esp. when people push each other as a joke.

**Intervention** - Behavior interventions are specific actions taken for the purpose of changing the behavior of either an individual or a group of people.



**Knife - EC § 48915(c)(5)** - “Knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding blade that locks into place, or a razor with an unguarded blade (EC 48915(g)).

**Multi-Tiered System of Support (MTSS)** - is a systemic, continuous improvement framework in which data-based problem-solving and decision making is practiced across all levels of the educational system for supporting students.

**Obscene Act/Gesture** - Any act or gesture that is considered offensive to others. Examples include, but are not limited to: using inappropriate hand gestures, rotating ones hips in a suggestive manner, or other similar behaviors.

**Other Means of Correction** - Possible alternatives to suspension that may be utilized by administrators.

**Positive Behavior Interventions and Supports (PBIS)** - a proactive approach that schools use to improve school safety and promote positive behavior. The focus of PBIS is prevention, not punishment.

**Profanity - EC § 48900(i)** - Vulgarity or acts which are considered obscene.

**RecklessDrivingOn/Around Campus** - Excessive speed or careless driving.

### **Reflection Sheet**

**Restitution** - a monetary payment sometimes ordered to be made as part of a judgment in negligence and/or contracts cases to restore a loss.

**Retaliation - EC § 48900(o)** - is the act of seeking revenge upon another.

**Restorative Practice** - A framework or series of practices that promote building respectful relationships as a foundation for teaching and learning. It is a way of dealing with the inappropriate behaviors in a manner that requires individuals to take responsibility for their behavior by acknowledging what happened and the people who have been affected by their behavior, focusing on repairing the harm.

**Robbery - EC § 48900(e)** - Taking property by the use of violence (PC 211).

**Roughhouse:** act in a boisterous, violent manner

**Self-defense - EC § 48900a(2)** - The right to use reasonable force to protect oneself from bodily harm, or to a lesser extent, one's property, from the attack of an aggressor, if the defender has reason to believe he/she/they is/are in danger.

**Selling - EC § 48915(e)** - To exchange possession and ownership of goods or property for money or something of value.

**Serious Bodily Injury - EC § 48915(a)(1)(A)** - A serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (PC 243). “Injury” means any physical injury which requires professional medical treatment.

**Sexual Assault - EC § 48915(c)(4), EC § 48900(n)** - Committed or attempted to commit an act of sexual battery, rape, statutory rape, lewd and lascivious conduct, molestation, etc.

**Sexual Battery - EC § 48915(c)(4)** - As defined in Penal Code Section 243.4(d)(1): “Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse.” Intimate part means the “sexual organ, anus, groin, or buttocks of any person, and the breast of a female.”

**Sexual Harassment - EC § 48900.2** - Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature, if this behavior is sufficiently severe or pervasive to have a negative impact on the individual's academic performance, or creates an intimidating, hostile or offensive educational environment.

**Suspension - EC § 48925** - Removal of a pupil from ongoing instruction for adjustment purposes.

**Social Emotional Learning (SEL)** - The process through which children and adults understand and manage emotions, set and achieve goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions. (CASEL.org)

**Student Success Team (SST)** - Is a positive school-site team, which identifies effective strategies to meet the needs of individual students. Used as an intervention.

**Tardy** - Arriving late to school or class.

**Terroristic Threat - EC § 48900.7** - Is defined by Education Code Section 48900.7 subdivision (b) “as any written or oral statement specifically intended to be taken as a threat even if there is no actual intent of carrying it out. The statement must be threatening death, great bodily injury to another, or property damage over \$1,000. The threat is considered a terrorist threat if, on its face and under the situation in which it is made, it is “so unequivocal, unconditional, immediate and specific as to convey...a gravity of purpose and an immediate prospect of execution of the threat...causes that person reasonably to be in sustained fear for his or her own safety, his or her immediate family’s safety, the protection of school district property, the personal property of the person threatened or his or her immediate family.”

**Theft/Possession of Stolen Property - EC § 48900(g)** - Taking or attempting to take property that does not belong to you, or knowingly being in possession of stolen property.

**Tobacco Use/Possession - EC § 48900(h)** - The possession or use of tobacco or nicotine products on school property. Prohibited products include, but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, betel, electronic cigarettes, electronic hookahs, and vapor-emitting devices.

**Truancy - EC § 48260(a)** - A pupil subject to compulsory full-time education or to compulsory education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

**Weapon - EC § 48915(g)** - Is generally something used to injure, defeat, or destroy and may cover many types of instruments, such as a blackjack, slingshot, billy, metal knuckles, dagger, knife, pistol, revolver, or any other firearm, razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, among others. Consider a knife with a blade 2.5 to 3.5 inches a “weapon” not a knife.

**Weapons/Dangerous Objects** - The possession, use or sale of any object that might be used to inflict bodily injury to another person.

ALAMEDA UNIFIED SCHOOL DISTRICT  
SPECIAL AGENDA ITEM

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<b>Item Title:</b>	Review of Updates to Board Bylaws: 9270 Conflict of Interest, 9320 Meetings and Notices, and 9322 Agenda/Meeting Materials (10 Mins/Action)		
<b>Item Type:</b>	Action		
<b>Background:</b>	Staff seek approval of CSBA recommended updates to the following Board Bylaws: <ul style="list-style-type: none"><li>• BB 9270                                      Conflict of Interest</li><li>• BB 9320                                      Meetings and Notices</li><li>• BB 9322                                      Agenda/Meeting Materials</li></ul>		
<b>AUSD LCAP Goals:</b>	1. Eliminate barriers to student success and maximize learning time.  2a. Support all students in becoming college and career ready.  2b. Support all English Learners (ELs) in becoming college and career ready.  3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.  4. Ensure that all students have access to basic services.		
<b>Fiscal Analysis</b>			
<b>Amount (Savings) (Cost):</b>	N/A		
<b>Recommendation:</b>	Other  Work toward alignment of AUSD policies.		
<b>AUSD Guiding Principle:</b>	#1 - All students have the ability to achieve academic and personal success.  #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.  #4 - Parental involvement and community engagement are integral to student success.  #5 - Accountability, transparency, and trust are necessary at all levels of the organization.		
<b>Submitted By:</b>	Kerri Lonergan, Senior Executive Assistant to the Superintendent and Board of Education		

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**ATTACHMENTS:**

Description	Upload Date	Type
☐ BB 9270_Conflict of Interest_3.22 Redline	8/4/2023	Backup Material
☐ BB 9320_Meetings and Notices_3.22 Redline	8/4/2023	Backup Material
☐ BB 9322_Agenda_Meeting Minutes_Redline 6.23	8/4/2023	Backup Material

**Bylaw 9270: Conflict Of Interest**

**Status:** ADOPTED

**Original Adopted Date:** ~~11/15/2016~~07/01/2010 | **Last Revised Date:** 03/01/2023 | **Last Reviewed Date:** ~~11/15/2016~~03/01/2023

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her the Board member's, district employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is

required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

#### **Conflict of Interest under the Political Reform Act**

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her an official position to influence a governmental decision in which he/she the district official knows or has reason to know that he/she has there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her district official, the district official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

18707)

A Board member, designated employee, or other person in a designated position district official makes a governmental decision when he/she, acting, within the authority of his/her the office or position, the district official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a another district official

for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

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However, a ~~Board member~~district official shall participate in the making of a contract in which he/she~~the district official~~ has a financial interest if ~~his/hersuch~~ participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

#### Conflict of Interest from Campaign Contributions

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.
2. Any district officer who received a contribution of more than \$250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.
3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.
4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding \$250, within 14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

#### **Additional Requirements for Boards that Manage Public Investments**

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Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. ~~Recuse himself/herself from discussing and voting~~Not discuss or vote on the matter, or otherwise ~~acting~~act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

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However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. ~~He/she~~The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member ~~must recuse himself/herself from discussing or voting on that matter, but~~shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose ~~his/her~~the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that ~~his/her~~the recusal is because of a conflict of interest pursuant to Government Code 87100. ~~He/she~~The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

#### Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which

~~he/she has~~there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. .(Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which ~~his/her~~the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for ~~his/her~~ actual and necessary expenses incurred in the performance of ~~his/her~~ official duties, in the employment of ~~his/her~~a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

#### **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which ~~his/her~~the Board member's private or personal interest may conflict with ~~his/her~~ official duties.

#### **Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. .(Government Code 1099, 1126)

#### **Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between



individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

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Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

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Gifts of travel exempted from the gift limitation, as described in ~~items~~Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

## Honoraria

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Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

~~The term honorarium does not include: (Government Code 89501)~~

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches

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2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 18110-18997	<a href="#">Regulations of the Fair Political Practices Commission</a>
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	<a href="#">Conflicts of Interest</a>
2 CCR 18722-18740	<a href="#">Disclosure of interests</a>
2 CCR 18753-18756	<a href="#">Conflict of interest codes</a>
Ed. Code 1006	<a href="#">Prohibition against school district employees serving on county board of education</a>
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 52334-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act of 1974
Gov. Code 82011	Code reviewing body
Gov. Code 82019	<a href="#">Definition; designated employee</a>
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign disclosure
Gov. Code 87100-87103.6	General prohibitions
Gov. Code 87200-87210	Disclosure

Gov. Code 87300-87313  
Gov. Code 87500  
Gov. Code 89501-89503  
Gov. Code 89506  
Gov. Code 91000-91014  
Pen. Code 85-88  
Public Contract Code 6102  
Rev. & Tax Code 203

**Management Resources**

Attorney General Opinion  
Attorney General Opinion  
Attorney General Opinion  
Attorney General Opinion  
Attorney General Opinion  
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Attorney General Opinion  
Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

Fair Political Practices Commission  
Publication

[Conflict of interest code](#)

Statement of economic interests  
Honoraria and gifts  
Ethics; travel  
Enforcement  
Bribes  
Awarding of contracts  
Taxable and exempt property - colleges

**Description**

105 Ops.Cal.Atty.Gen.69 (2022)  
63 Ops.Cal.Atty.Gen. 868 (1980)  
65 Ops.Cal.Atty.Gen. 606 (1982)  
68 Ops.Cal.Atty.Gen. 171 (1985)  
69 Ops.Cal.Atty.Gen. 255 (1986)  
80 Ops.Cal.Atty.Gen. 320 (1997)  
81 Ops.Cal.Atty.Gen. 327 (1998)  
82 Ops.Cal.Atty.Gen. 83 (1999)  
85 Ops.Cal.Atty.Gen. 60 (2002)  
86 Ops.Cal.Atty.Gen. 138(2003)  
89 Ops.Cal.Atty.Gen. 217 (2006)  
92 Ops.Cal.Atty.Gen. 19 (2009)  
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Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469  
Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th  
511  
McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247  
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Understanding the Basics of Public Service Ethics: Personal  
Financial Gain Laws, 2009

Institute for Local Government  
Publication

Understanding the Basics of Public Service Ethics:  
Transparency Laws, 2009

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Institute for Local Government](#)

Website

[Fair Political Practices Commission](#)

Website

[CSBA](#)

## Cross References

### Code

### Description

1340

~~Access To District Records~~Access To District Records

1340

~~Access To District Records~~Access To District Records

1700

~~Relations Between Private Industry And The  
Schools~~Relations Between Private Industry And The Schools

3230

~~Federal Grant Funds~~Federal Grant Funds

3230

~~Federal Grant Funds~~Federal Grant Funds

3300

~~Expenditures And Purchases~~Expenditures And Purchases

3311

~~Bids~~Bids

3311

~~Bids~~Bids

3430

~~Investing~~Investing

~~3430~~

~~Investing~~

~~3470~~

~~Debt Issuance And Management~~

3600

~~Consultants~~Consultants

4112.8

~~Employment Of Relatives~~Employment Of Relatives

4117.2

~~Resignation~~Resignation

4136

~~Nonschool Employment~~Nonschool Employment

4212.8

~~Employment Of Relatives~~Employment Of Relatives

4217.2

~~Resignation~~Resignation

4236

~~Nonschool Employment~~Nonschool Employment

4312.8

~~Employment Of Relatives~~Employment Of Relatives

4317.2

~~Resignation~~Resignation

4336

~~Nonschool Employment~~Nonschool Employment

6161.1

~~Selection And Evaluation Of Instructional Materials~~Selection  
And Evaluation Of Instructional Materials

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6161.1-E-PDF(1)	<del>Selection And Evaluation Of Instructional Materials</del> <del>Selection And Evaluation Of Instructional Materials</del>
7140	<del>Architectural And Engineering Services</del> <del>Architectural And Engineering Services</del>
7140	<del>Architectural And Engineering Services</del> <del>Architectural And Engineering Services</del>
7214	<del>General Obligation Bonds</del> <del>General Obligation Bonds</del>
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9000	<del>Role Of The Board</del> <del>Role Of The Board</del>
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9200	<del>Limits Of Board Member Authority</del> <del>Limits Of Board Member Authority</del>
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9321-E-PDF(1)	<del>Closed Session</del> <del>Closed Session</del>
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9323	<del>Meeting Conduct</del> <del>Meeting Conduct</del>

## Bylaw 9320: Meetings And Notices

Status: ADOPTED

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Original Adopted Date: 06/26/201203/01/2008 | Last Revised Date: 02/2803/01/2023 | Last Reviewed Date: 02/2803/01/2023

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location, as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

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A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee or district official may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

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In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Notice of the procedure for receiving and resolving requests for accommodation described above shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953)

### Regular Meetings

The Board shall hold two regular meeting(s) each month. Regular meetings shall be held at 5:30 p.m. on the second and fourth Tuesday of the month (unless otherwise approved by the Board (day) at its annual organizational meeting) at the Alameda City Hall, 2263 Santa

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At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose, or on the district web site, consistent with Government Code 54957.5, at the time the materials are distributed to all or a majority of the Board. (Government Code 54957.5)

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### Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

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Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

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Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

### Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

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An emergency situation means either of the following: (Government Code 54956.5)

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1. \_\_\_\_\_

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification ~~must~~shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### **Adjourned/Continued Meetings**

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and place, and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

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## Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. \_\_\_\_\_

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members

2. \_\_\_\_\_

2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern

3. \_\_\_\_\_

3. An open and noticed meeting of another body of the district

4. \_\_\_\_\_

4. An open and noticed meeting of a legislative body of another local agency

5. \_\_\_\_\_

5. A purely social or ceremonial occasion

6. \_\_\_\_\_

6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

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Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

## Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. \_\_\_\_\_

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party

2. \_\_\_\_\_

2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in ~~items~~Items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

#### **Traditional Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the

Board's subject matter jurisdiction.

All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. ~~(Government Code 54953)~~

~~Agendas~~(Government Code 54953)

~~Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing During a Personal Emergency," "Teleconferencing For 'Just Cause'" or "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)~~

~~All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)~~

#### ~~Teleconferencing During a Proclaimed State of Emergency~~

~~The~~

~~All teleconference locations shall be accessible to the public and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)~~

#### ~~Teleconferencing During a Personal Emergency~~

~~Until January 1, 2026, with approval from the majority of the Board, a Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the Board member from attending in person. The Board member requesting to appear remotely shall notify the Board of the emergency situation as soon as possible, and provide a concise general description of the circumstances relating to the Board member's need to appear remotely. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)~~

~~A Board member may not appear remotely under emergency circumstances for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely under emergency circumstances for more than two meetings. (Government Code 54953)~~

~~When a Board member is approved to participate remotely due to emergency circumstances, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)~~

~~If permitted to participate remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the~~

member's relationship with such individuals. (Government Code 54953)

The district shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

#### **Teleconferencing for "Just Cause"**

A Board member may be permitted to appear remotely, pursuant to the provisions below, for just cause for no more than two meetings per calendar year. A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)

Just Cause may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

When a Board member participates remotely for just cause, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If the Board member participates remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The district shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents

members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

#### Teleconferencing During a Proclaimed State of Emergency

Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within district boundaries, during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances:— (Government Code 54953)

1. —

1. State or local officials have imposed or recommended measures to promote social distancing

2. —

2. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees

3. —

3. When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees

To conduct a teleconference meeting for these purposes the following requirements shall be satisfied:— (Government Code 54953)

1. —

1. The notice and agenda shall be given and posted as otherwise required by the Brown Act

2. —

2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet-based service option

Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third-party and not under the control of the Board.

3. —

3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3

4. —

4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time

5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed

6. If during a Board meeting a disruption occurs which prevents the district from broadcasting the meeting to members of the public using the call-in option or for internet-based service option, or in the event of a disruption within the district's control that prevents members of the public ~~to offer~~from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored

The district may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953)

The Board may continue to conduct meetings by teleconference, as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)

1.

1. The state of emergency continues to directly impact the ability of the Board to meet safely in person

~~2. State or local officials continue to impose or recommend measures to promote social distancing~~

2. State or local officials continue to impose or recommend measures to promote social distancing

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35140	Time and place of meetings
Ed. Code 35143	Annual organizational meetings; date and notice
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations

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Ed. Code 35146	Closed sessions; student matters
Ed. Code 35147	Open meeting laws exceptions
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54956	Special Meetings
Gov. Code 54956.5	Emergency meetings
Gov. Code 6252-6270	California Public Records Act
Gov. Code 7920.000 - 7930.170	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act
<b>Federal</b>	<b>Description</b>
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
42 USC 12101-12213	Americans with Disabilities Act
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication	The ABCs of Open Government Laws
League of California Cities Publication	Open and Public V: A Guide to the Ralph M. Brown Act, 2016

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA, GAMUT Meetings</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>

**Cross References**

Code	Description
0410	<a href="#">Nondiscrimination In District Programs And Activities</a> <a href="#">Nondiscrimination In District Programs And Activities</a>
0420.4	<a href="#">Charter School Authorization</a> <a href="#">Charter School Authorization</a>
0420.4	<a href="#">Charter School Authorization</a> <a href="#">Charter School Authorization</a>
0420.43	<a href="#">Charter School Revocation</a> <a href="#">Charter School Revocation</a>
0450	<a href="#">Comprehensive Safety Plan</a> <a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a> <a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a> <a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a> <a href="#">Local Control And Accountability Plan</a>
1113	<a href="#">District And School Web Sites</a> <a href="#">District And School Web Sites</a>
1113	<a href="#">District And School Web Sites</a> <a href="#">District And School Web Sites</a>
1113-E-PDF(1)	<a href="#">District And School Web Sites</a> <a href="#">District And School Web Sites</a>
1160	<a href="#">Political Processes</a> <a href="#">Political Processes</a>
1220	<a href="#">Citizen Advisory Committees</a> <a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a> <a href="#">Citizen Advisory Committees</a>
1330	<a href="#">Use Of School Facilities</a> <a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a> <a href="#">Use Of School Facilities</a>
1330-E-PDF(1)	<a href="#">Use Of School Facilities</a> <a href="#">Use Of School Facilities</a>
1340	<a href="#">Access To District Records</a> <a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a> <a href="#">Access To District Records</a>
1431	<a href="#">Waivers</a> <a href="#">Waivers</a>
2000	<a href="#">Concepts And Roles</a> <a href="#">Concepts And Roles</a>

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2121	<u>Superintendent's Contract</u> <u>Superintendent's Contract</u>
2210	<u>Administrative Discretion Regarding Board Policy</u> <u>Administrative Discretion Regarding Board Policy</u>
3100	<u>Budget</u> <u>Budget</u>
3100	<u>Budget</u> <u>Budget</u>
3280	<u>Sale Or Lease Of District-Owned Real Property</u> <u>Sale Or Lease Of District-Owned Real Property</u>
3280	<u>Sale Or Lease Of District-Owned Real Property</u> <u>Sale Or Lease Of District-Owned Real Property</u>
3311	<u>Bids</u> <u>Bids</u>
3311	<u>Bids</u> <u>Bids</u>
3312	<u>Contracts</u> <u>Contracts</u>
3314	<u>Payment For Goods And Services</u> <u>Payment For Goods And Services</u>
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3516	<u>Emergencies And Disaster Preparedness Plan</u> <u>Emergencies And Disaster Preparedness Plan</u>
3516	<u>Emergencies And Disaster Preparedness Plan</u> <u>Emergencies And Disaster Preparedness Plan</u>
4117.14	<u>Postretirement Employment</u> <u>Postretirement Employment</u>
4141.6	<u>Concerted Action/Work Stoppage</u> <u>Concerted Action/Work Stoppage</u>
4141.6	<u>Concerted Action/Work Stoppage</u> <u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u> <u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u> <u>Concerted Action/Work Stoppage</u>
4312.1	<u>Contracts</u> <u>Contracts</u>
4317.14	<u>Postretirement Employment</u> <u>Postretirement Employment</u>
6112	<u>School Day</u> <u>School Day</u>
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<del>6117</del> 6173.1	<u>Education For Foster Youth</u> <u>Year-Round Schedules</u>
6173.1	<u>Education For Foster Youth</u> <u>Education For Foster Youth</u>

<del>6173.17150</del>	<del>Site Selection And Development</del> Education For Foster Youth
7150	<del>Site Selection And Development</del> Site Selection And Development
<del>71507214</del>	<del>General Obligation Bonds</del> Site Selection And Development
7214	<del>General Obligation Bonds</del> General Obligation Bonds
<del>72147310</del>	<del>Naming Of Facility</del> General Obligation Bonds
7310	<del>Naming Of Facility</del> Naming Of Facility
9000	<del>Role Of The Board</del> Role Of The Board
9005	<del>Governance Standards</del> Governance Standards
9012	<del>Board Member Electronic Communications</del> Board Member Electronic Communications
9100	<del>Organization</del> Organization
9121	<del>President</del> President
9130	<del>Board Committees</del> Board Committees
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9230	<del>Orientation</del> Orientation
9270	<del>Conflict Of Interest</del> Conflict Of Interest
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9310	<del>Board Policies</del> Board Policies
9321	<del>Closed Session</del> Closed Session
9321-E PDF(1)	<del>Closed Session</del> Closed Session
9321-E PDF(2)	<del>Closed Session</del> Closed Session
9322	<del>Agenda/Meeting Materials</del> Agenda/Meeting Materials
9323	<del>Meeting Conduct</del> Meeting Conduct
9323.2	<del>Actions By The Board</del> Actions By The Board
9323.2-E PDF(1)	<del>Actions By The Board</del> Actions By The Board
9323.2-E PDF(2)	<del>Actions By The Board</del> Actions By The Board
9324	<del>Minutes And Recordings</del> Minutes And Recordings
9400	<del>Board Self-Evaluation</del> Board Self-Evaluation

## Bylaw 9322: Agenda/Meeting Materials

Status: ADOPTED

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Original Adopted Date: 08/25/200903/01/2008 | Last Revised Date: 02/2806/01/2023 | Last Reviewed Date: 02/2806/01/2023

### Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

Each agenda shall state the meeting time and location and shall briefly describe each item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. ~~However, the~~ The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

~~The agenda does not need~~ notto provide an opportunity for public comment ~~when the agenda on an item that~~ has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

~~The notice and agenda shall describe the means available for a regular Board the public to access the meeting shall also and provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54954.3)~~

~~Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. 54953, through an internet-based service or call-in option. (Government Code 54957.5) 54953)~~

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting. ~~(Government Code 54954.2), as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2, 54953)~~

Each agenda for a regular meeting shall list the address designated by the Superintendent or

designee for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

### **Agenda Preparation**

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, ~~if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.~~

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information, and if so, respond accordingly.

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board ~~to~~ take action during a Board meeting to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, ~~and~~ whether the item should be an action item subject to Board vote or an information item ~~that does not require immediate action, and when the item is placed on the agenda.~~

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a ~~regular~~separate agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. ~~— (Government Code 53635.7)~~

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

#### **Agenda Dissemination to Board Members**

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. ~~— (Government Code 54956)~~

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

#### **Agenda Dissemination to Members of the Public**

~~Any agenda~~ Agenda and related materials distributed to the Board shall be made available to the public upon request without delay. ~~Only~~ However, only those documents which are disclosable public records under the Public Records Act (PRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. ~~— (Government Code 54956.9, 54957.5)~~

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. ~~— (Government Code 54954.2)~~

In addition, the Superintendent or designee shall post the agenda on the homepage of the district ~~web-site~~ website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the ~~web-site~~ website with the district's agendas, and the current agenda shall be the first available. ~~— (Government Code 54954.2)~~

If a ~~document~~ writing which relates to an open session agenda item ~~or for which contains a claim or written threat of litigation which will be discussed in closed session during~~ a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the ~~document~~ writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. ~~(Government Code 54957.5)~~

However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items.- The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

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The Superintendent or designee shall email a copy of, or a ~~web-site~~[website](#) link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a ~~web-site~~[website](#) link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRA.- (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act.- (Government Code 54954.1)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 49061	Definitions; directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Gov. Code 53635.7	Separate item of business for borrowing of \$100,000 or more
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
Gov. Code 54956.5	Emergency meetings
Gov. Code 54956.9	Meetings
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and desist
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 95000-95004	California Early Intervention Services Act
Federal	Description
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318

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Court Decision	Mooney v. Garcia (2012) 207 Cal.App.4th 229
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0000	<del>Vision</del> <a href="#">Vision</a>
<del>0000</del>	<del>Vision</del>
0200	<del>Goals For The School District</del> <a href="#">Goals For The School District</a>
0410	<del>Nondiscrimination In District Programs And Activities</del> <a href="#">Nondiscrimination In District Programs And Activities</a>
1100	<del>Communication With The Public</del> <a href="#">Communication With The Public</a>
<del>1100</del>	<del>Communication With The Public</del>
1112	<del>Media Relations</del> <a href="#">Media Relations</a>
1113	<del>District And School Websites</del> <a href="#">District And School Websites</a>
1113	<del>District And School Websites</del> <a href="#">District And School Websites</a>
1113-E PDF(1)	<del>District And School Websites</del> <a href="#">District And School Websites</a>
1312.1	<del>Complaints Concerning District Employees</del> <a href="#">Complaints Concerning District Employees</a>
1312.1	<del>Complaints Concerning District Employees</del> <a href="#">Complaints Concerning District Employees</a>
1312.2	<del>Complaints Concerning Instructional Materials</del> <a href="#">Complaints Concerning Instructional Materials</a>
1312.2	<del>Complaints Concerning Instructional Materials</del> <a href="#">Complaints Concerning Instructional Materials</a>
1312.2-E PDF(1)	<del>Complaints Concerning Instructional Materials</del> <a href="#">Complaints Concerning Instructional Materials</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
<a href="#">1312.3</a>	<a href="#">Uniform Complaint Procedures</a>

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1312.4	<del>Williams Uniform Complaint Procedures</del> Williams Uniform Complaint Procedures
1312.4-E PDF(1)	<del>Williams Uniform Complaint Procedures</del> Williams Uniform Complaint Procedures
<u>1312.4</u>	<u>Williams Uniform Complaint Procedures</u>
1340	<del>Access To District Records</del> Access To District Records
1340	<del>Access To District Records</del> Access To District Records
1400	<del>Relations Between Other Governmental Agencies And The Schools</del> Relations Between Other Governmental Agencies And The Schools
2210	<del>Administrative Discretion Regarding Board Policy</del> Administrative Discretion Regarding Board Policy
3100	<del>Budget</del> Budget
3100	<del>Budget</del> Budget
3312	<del>Contracts</del> Contracts
3320	<del>Claims And Actions Against The District</del> Claims And Actions Against The District
3320	<del>Claims And Actions Against The District</del> Claims And Actions Against The District
3320-E PDF(1)	<del>Claims And Actions Against The District</del>
3460	<del>Financial Reports And Accountability</del> Financial Reports And Accountability
3460	<del>Financial Reports And Accountability</del> Financial Reports And Accountability
4312.1	<del>Contracts</del> Contracts
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process
6161.1	<del>Selection And Evaluation Of Instructional Materials</del> Selection And Evaluation Of Instructional Materials
6161.1	<del>Selection And Evaluation Of Instructional Materials</del> Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	<del>Selection And Evaluation Of Instructional Materials</del> Selection And Evaluation Of Instructional Materials
9012	<del>Board Member Electronic Communications</del> Board Member Electronic Communications
9121	<del>President</del> President

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9122	<u>Secretary</u> Secretary
9130	<u>Board Committees</u> Board Committees
9150	<u>Student Board Members</u> Student Board Members
9150-E-PDF(1)	<u>Student Board Members</u>
9200	<u>Limits Of Board Member Authority</u> Limits Of Board Member Authority
9310	<u>Board Policies</u> Board Policies
9320	<u>Meetings And Notices</u> Meetings And Notices
9321	<u>Closed Session</u> Closed Session
9321-E-PDF(1)	<u>Closed Session</u> Closed Session
9321-E-PDF(2)	<u>Closed Session</u> Closed Session
9323	<u>Meeting Conduct</u> Meeting Conduct
9323.2	<u>Actions By The Board</u> Actions By The Board
9323.2-E-PDF(1)	<u>Actions By The Board</u> Actions By The Board
9323.2-E-PDF(2)	<u>Actions By The Board</u> Actions By The Board
9324	<u>Minutes And Recordings</u> Minutes And Recordings

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ALAMEDA UNIFIED SCHOOL DISTRICT  
SPECIAL AGENDA ITEM

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**Item Title:** CSBA Recommended Policy Updates to Reflect Changes Made to Legislative Laws (10 Mins/Action)

**Item Type:** Action

**Background:** Updates to Board Policies, Administrative Regulations, and Board Bylaws are made by the California School Boards Association (CSBA) four times a year: March, June, October, and December. These recommendations are reviewed by Cabinet members prior to being presented to the Board Policy subcommittee for approval.

The following policies only reflect changes made to legislative laws and are in keeping with education codes. No substantive changes have been made to these policies. These policies are being recommended by staff for direct approval on the consent calendar at a subsequent regular Board meeting.

- |                                       |  |
|---------------------------------------|--|
| • BP 0420.4                           | Charter School Authorization           |
| • BP 0420.41                          | Charter School Oversight               |
| • BP 1113                             | District and School Websites           |
| • BP 3250                             | Transportation Fees                    |
| • BP 3260                             | Fees and Charges                       |
| • BP 3460                             | Financial Reports and Accountability   |
| • BP 3515                             | Campus Security                        |
| • BP 3540                             |  |
| • BP 3555                             |  |
| • BP 4030                             |  |
| • BP 4218                             | Dismissal/Suspension/Disciplinary      |
| Action                                |  |
| • BP 6146.1                           | High School Graduation Requirements    |
| • BP 6146.4                           | Differential Graduation and Competency |
| Standards                             |  |
| • BP 6159.2                           | Nonpublic/Nonsectarian School and      |
| Agency Services for Special Education |  |
| • BP 6173                             | Education for Homeless Children        |
| • BP 6173.1                           | Education for Foster Youth             |
| • BP 6177                             | Summer Learning Programs               |
| • BP 7110                             | Facilities Master Plan                 |
| • BP 7150                             | Site Selection and Development         |

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** Other

Work toward alignment of AUSD policies.

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success. | #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success. | #4 - Parental involvement and community engagement are integral to student success. | #5 - Accountability, transparency, and trust are necessary at all levels of the organization.

**Submitted By:** Kirsten Zazo, Assistant Superintendent of Educational Services

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ CSBA Policy Updates_8.10.23	8/4/2023	Backup Material

**Policy 0420.4: Charter School Authorization**

**Status:** ADOPTED

**Original Adopted Date:** ~~08/25/2009~~05/01/2019 | **Last Revised Date:** ~~10/27/2020~~03/01/2023  
**| Last Reviewed Date:** ~~10/27/2020~~03/01/2023

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

One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing district school to a charter school.—(Education Code 47605)

Any petition for a charter school shall include all components, signatures, and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition.—(Education Code 47605)

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

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

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

**Timelines for Board Action**

Within 60 days of receiving a charter petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by district teachers, other district employees, and parents/guardians.— A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board.—(Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended

findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district.- During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings.- (Education Code 47605)

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

### **Approval of Petition**

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE).- (Education Code 47605)

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

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

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

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

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the ~~charter~~petition to the County Superintendent of Schools, ~~the~~ CDE, and the State Board of Education (SBE).- (Education Code 47605)

### **Denial of Petition**

The Board shall summarily deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization— (Education Code 47604)
2. Convert a private school to a charter school— (Education Code 47602)
3. Serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district— (Education Code 47605)
4. Offer nonclassroom-based instruction— (Education Code 47612.7)

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist:— (Education Code 47605; 5 CCR 11967.5.1)

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for, the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c).
6. The petition does not contain a declaration as to whether ~~or not~~ the charter school shall be deemed the exclusive public employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances regarding that analyze and consider the following factors:
  - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
  - b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

8. The district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, ~~or~~ has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification, or is under state receivership.

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

## Appeals

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

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request.—(Education Code 47605)

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE, which may include supporting documentation, detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition.—(Education Code 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and shall grant ~~shall~~ or deny the petition within 30 days.—(Education Code 47605)

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	<a href="#">Nonprofit public benefit corporations</a>
Ed. Code 1240	<a href="#">County superintendent of schools; duties</a>
Ed. Code 17078.52-17078.66	<a href="#">Charter schools facility funding; state bond proceeds</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans



Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 49011	Student fees
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
W&I Code 224.1	Indian child; definition
<b>Federal</b>	<b>Description</b>
20 USC 7221-7221j	Charter schools
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
California Charter Authorizing Professionals Pub.	Memorandum of Understanding (MOU) Resource, September 2022

Court Decision	Napa Unified School District v. California State Board of Education, Case No. 34-2022-80004051
Court Decision	CSBA'S Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. February 2016
CSBA Publication	Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016
CSBA Publication	Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
U.S. Department of Education Publication	Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Association of Charter School Authorizers</a>
Website	<a href="#">California Charter Schools Association</a>
Website	<a href="#">California Department of Education, Charter Schools</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

## Cross References

Code	Description
0420.41	<del>Charter School Oversight</del> Charter School Oversight
0420.41-E PDF(1)	<del>Charter School Oversight</del> Charter School Oversight
0420.42	<del>Charter School Renewal</del> Charter School Renewal
0420.43	<del>Charter School Revocation</del> Charter School Revocation
0430	<del>Comprehensive Local Plan For Special Education</del> Comprehensive Local Plan For Special Education
0430	<del>Comprehensive Local Plan For Special Education</del> Comprehensive Local Plan For Special Education

0460	<u>Local Control And Accountability Plan</u> <u>Local Control And Accountability Plan</u>
0460	<u>Local Control And Accountability Plan</u> <u>Local Control And Accountability Plan</u>
0510	<u>School Accountability Report Card</u> <u>School Accountability Report Card</u>
2230	<u>Representative And Deliberative Groups</u> <u>Representative And Deliberative Groups</u>
4116	<u>Probationary/Permanent Status</u> <u>Probationary/Permanent Status</u>
4116	<u>Probationary/Permanent Status</u> <u>Probationary/Permanent Status</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic Credit</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic Credit</u>
6158	<u>Independent Study</u> <u>Independent Study</u>
6158	<u>Independent Study</u> <u>Independent Study</u>
6162.51	<u>State Academic Achievement Tests</u> <u>State Academic Achievement Tests</u>
6162.51	<u>State Academic Achievement Tests</u> <u>State Academic Achievement Tests</u>
6178	<u>Career Technical Education</u> <u>Career Technical Education</u>
6178	<u>Career Technical Education</u> <u>Career Technical Education</u>
6184	<u>Continuation Education</u> <u>Continuation Education</u>
6184	<u>Continuation Education</u> <u>Continuation Education</u>
<u>7160</u>	<u>Charter School Facilities</u>
<u>7160</u>	<u>Charter School Facilities</u>
9320	<u>Meetings And Notices</u> <u>Meetings And Notices</u>

**Policy 0420.4: Charter School Authorization**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

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

One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605)

Any petition for a charter school shall include all components, signatures, and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition. (Education Code 47605)

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

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

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

**Timelines for Board Action**

Within 60 days of receiving a charter petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by district teachers, other district employees, and parents/guardians. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

### **Approval of Petition**

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE). (Education Code 47605)

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

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

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

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

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the petition to the County Superintendent of Schools, CDE, and the State Board of Education (SBE). (Education Code 47605)

### **Denial of Petition**

The Board shall summarily deny any charter petition that proposes to:

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

4. Offer nonclassroom-based instruction (Education Code 47612.7)

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605; 5 CCR 11967.5.1)

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for, the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c).
6. The petition does not contain a declaration as to whether the charter school shall be deemed the exclusive public employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:
  - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
  - b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
8. The district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification, or is under state receivership.

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

## Appeals

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

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. (Education Code 47605)

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE, which may include supporting documentation, detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education Code 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and shall grant or deny the petition within 30 days. (Education Code 47605)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	<a href="#">Nonprofit public benefit corporations</a>
Ed. Code 1240	<a href="#">County superintendent of schools; duties</a>
Ed. Code 17078.52-17078.66	<a href="#">Charter schools facility funding; state bond proceeds</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes

Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 49011	Student fees
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
W&I Code 224.1	Indian child; definition
<b>Federal</b>	<b>Description</b>
20 USC 7221-7221j	Charter schools
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
California Charter Authorizing Professionals Pub.	Memorandum of Understanding (MOU) Resource, September 2022
Court Decision	Napa Unified School District v. California State Board of Education, Case No. 34-2022-80004051
Court Decision	CSBA'S Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. February 2016



CSBA Publication	Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016
CSBA Publication	Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
U.S. Department of Education Publication	Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Association of Charter School Authorizers</a>
Website	<a href="#">California Charter Schools Association</a>
Website	<a href="#">California Department of Education, Charter Schools</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

## Cross References

Code	Description
0420.41	Charter School Oversight
0420.41	Charter School Oversight
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
2230	Representative And Deliberative Groups
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests

6162.51	State Academic Achievement Tests
6178	Career Technical Education
6178	Career Technical Education
6184	Continuation Education
6184	Continuation Education
7160	Charter School Facilities
7160	Charter School Facilities
9320	Meetings And Notices

## **Policy 0420.41: Charter School Oversight**

**Status: ADOPTED**

**Original Adopted Date:** ~~11/27/2012~~10/01/2013 | **Last Revised Date:** ~~10/11/2022~~06/01/2023  
**| Last Reviewed Date:** ~~10/11/2022~~06/01/2023

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

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

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

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

### **Waivers**

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

### **Provision of District Services**

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

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

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

## Material Revisions to Charter

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

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. ~~(Education Code 47605, 47607)~~

~~The Board shall have~~

Pursuant to Education Code 47605, the Board may deny a request to expand operations if it finds that the proposed change in expansion would render the charter school operations constitutes a material revision of the approved charter.

~~Monitoring Charter School Performance~~ demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following:

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served

Additionally, pursuant to Education Code 47605, the Board may deny a request to expand charter school operations if it finds that the district is not positioned to absorb the fiscal impact of the proposed charter school expansion. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, or if the district has a negative interim certification pursuant to Education Code 42131, or is under state receivership.

## Location of Charter Schools

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries. (Education Code 47605.1)

## Monitoring Charter School Performance

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

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

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

### **Fees/Charges for Supervisorial Oversight**

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue.

~~1.2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities~~

~~If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities ~~cost~~ costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.~~

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~~2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities~~

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3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

### **Technical Assistance/Intervention**

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school

shall receive technical assistance from the County Superintendent ~~of Schools~~. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605-~~(c)~~. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.  
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2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.  
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3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

## **Complaints**

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

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

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

## **School Closure**

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

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

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

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	<a href="#">Public finance; school accountability report card</a>
CA Constitution Article 9, Section 5	<a href="#">Common school system</a>
Corp. Code 5110-6910	<a href="#">Nonprofit public benefit corporations</a>
Ed. Code 1006	<a href="#">Prohibition against school district employees serving on county board of education</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines

Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	<a href="#">Training for security officers</a>
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity



Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Pupil fees
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnel

Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
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Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
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Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
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Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
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Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
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Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
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Veh. Code 28160	Child safety alert system
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
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Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
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California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template

California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
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Website	<a href="#">National Domestic Violence Hotline</a>
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Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

## Cross References

0420.4	<del>Charter School Authorization</del> Charter School Authorization
0420.4	<del>Charter School Authorization</del> Charter School Authorization
0420.42	<del>Charter School Renewal</del> Charter School Renewal
0420.43	<del>Charter School Revocation</del> Charter School Revocation
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0500	<del>Accountability</del> Accountability
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
1312.3-E PDF(1)	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
1431	<del>Waivers</del> Waivers
6162.51	<del>State Academic Achievement Tests</del> State Academic Achievement Tests
6162.51	<del>State Academic Achievement Tests</del> State Academic Achievement Tests
<u>7160</u>	<u>Charter School Facilities</u>
<u>7160</u>	<u>Charter School Facilities</u>

**Policy 0420.41: Charter School Oversight**

**Status:** ADOPTED

**Original Adopted Date:** 11/27/2012 | **Last Revised Date:** | **Last Reviewed Date:**

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

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

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

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

**Waivers**

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

**Provision of District Services**

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

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

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

**Material Revisions to Charter**

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

charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

Pursuant to Education Code 47605, the Board may deny a request to expand operations if it finds that the proposed expansion would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following:

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served

Additionally, pursuant to Education Code 47605, the Board may deny a request to expand charter school operations if it finds that the district is not positioned to absorb the fiscal impact of the proposed charter school expansion. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, or if the district has a negative interim certification pursuant to Education Code 42131, or is under state receivership.

### **Location of Charter Schools**

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries. (Education Code 47605.1)

### **Monitoring Charter School Performance**

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School<sub>27</sub>

## Dashboard.

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

### **Fees/Charges for Supervisorial Oversight**

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue.
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

### **Technical Assistance/Intervention**

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605(c). This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.
3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes. 28



In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

## **Complaints**

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

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

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

## **School Closure**

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

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason. Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures

Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	<a href="#">Public finance; school accountability report card</a>
CA Constitution Article 9, Section 5	<a href="#">Common school system</a>
Corp. Code 5110-6910	<a href="#">Nonprofit public benefit corporations</a>
Ed. Code 1006	<a href="#">Prohibition against school district employees serving on county board of education</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	<a href="#">Training for security officers</a>
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles

Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
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Website	<a href="#">California Department of Education, Charter Schools</a>
Website	<a href="#">California Interscholastic Federation</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

## Cross References

Code	Description
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0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

## Policy 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 08/25/200907/01/2007 | Last Revised Date: 05/08/201806/01/2023  
| Last Reviewed Date: 05/08/201806/01/2023

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

### Design Standards

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

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

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

### ~~Web Site~~

### Website Content

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



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

websites.

## Privacy Rights

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

websites.

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

websites.

**OPTION 1:** The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with ~~his/her~~the student's name, may be published on district or school ~~web sites~~websites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with BP/AR 5125.1 - Release of Directory Information.

### **END OF OPTION 1**

**OPTION 2:** Photographs of individual students shall not be published on district or school websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

### **END OF OPTION 2**

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district ~~web sites.~~

websites.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school ~~web sites.~~

websites.

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

7928.205, 7920.535)

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

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">Student Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Civ. Code 1798.99.31	California Age-Appropriate Design Code Act
Ed. Code 32096	COVID-19 testing in schools
Ed. Code 32526	COVID Emergency Appropriations for Education
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program

Pub. Res. Code 21082.1

California Environmental Quality Act environmental review documents

**Federal**

16 CFR 312.1-312.13

**Description**

Children's Online Privacy Protection Act

17 USC 101-122

Subject matter and scope of copyright

17 USC 504

Penalties for copyright infringement

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

29 USC 705

Definitions; Vocational Rehabilitation Act

29 USC 794

Rehabilitation Act of 1973; Section 504

34 CFR 104.1-104.61

Nondiscrimination on the basis of disability

34 CFR 99.1-99.67

Family Educational Rights and Privacy

42 USC 12101-12213

Americans with Disabilities Act

**Management Resources**

**Description**

CA Civil Rights Department Publication

Sexual Harassment

CA Civil Rights Department Publication

Family Care and Medical Leave and Pregnancy Disability Leave

CA Civil Rights Department Publication

California Law Prohibits Workplace Discrimination and Harassment

CA Civil Rights Department Publication

Transgender Rights in the Workplace

CA Civil Rights Department Publication

Your Rights and Obligations as a Pregnant Employee

Court Decision

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

Court Decision

City of San Jose v. Superior Court, (2017) 2 Cal.5th 608

U.S. Department of Agriculture Publication

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

U.S. Department of Justice Publication

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

U.S. DOE Office for Civil Rights Publication

Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010

U.S. DOE, Office for Civil Rights Publication

Dear Colleague Letter, May 26, 2011

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Governor's Office of Planning and Research, The California Environmental Quality Act](#)

Website

[California Department of Education, Web Accessibility Standards](#)

Website

[California School Public Relations Association](#)

Website	<a href="#">U.S. Department of Justice, Civil Rights Division, Disability Rights Section</a>
Website	<a href="#">World Wide Web Consortium, Web Accessibility Initiative</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Civil Rights Department</a>
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

## Cross References

Code	Description
0000	<del>Vision</del> <a href="#">Vision</a>
<del>0000</del>	<del>Vision</del> <a href="#">Vision</a>
0410	<del>Nondiscrimination In District Programs And Activities</del> <a href="#">Nondiscrimination In District Programs And Activities</a>
0440	<del>District Technology Plan</del> <a href="#">District Technology Plan</a>
<del>0440</del>	<del>District Technology Plan</del> <a href="#">District Technology Plan</a>
0450	<del>Comprehensive Safety Plan</del> <a href="#">Comprehensive Safety Plan</a>
0450	<del>Comprehensive Safety Plan</del> <a href="#">Comprehensive Safety Plan</a>
0460	<del>Local Control And Accountability Plan</del> <a href="#">Local Control And Accountability Plan</a>
0460	<del>Local Control And Accountability Plan</del> <a href="#">Local Control And Accountability Plan</a>
0500	<del>Accountability</del> <a href="#">Accountability</a>
0510	<del>School Accountability Report Card</del> <a href="#">School Accountability Report Card</a>
1100	<del>Communication With The Public</del> <a href="#">Communication With The Public</a>
<del>1100</del>	<del>Communication With The Public</del> <a href="#">Communication With The Public</a>
1112	<del>Media Relations</del> <a href="#">Media Relations</a>
1114	<del>District-Sponsored Social Media</del> <a href="#">District-Sponsored Social Media</a>
<del>1114</del>	<del>District-Sponsored Social Media</del> <a href="#">District-Sponsored Social Media</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>

1312.3- <del>E-PDF(1)</del>	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
1325	<del>Advertising And Promotion</del> Advertising And Promotion
1340	<del>Access To District Records</del> Access To District Records
1340	<del>Access To District Records</del> Access To District Records
3290	<del>Gifts, Grants And Bequests</del> Gifts, Grants And Bequests
3311	<del>Bids</del> Bids
3311	<del>Bids</del> Bids
3513.3	<del>Tobacco-Free Schools</del> Tobacco-Free Schools
3513.3	<del>Tobacco-Free Schools</del> Tobacco-Free Schools
3515	<del>Campus Security</del> Campus Security
3515	<del>Campus Security</del> Campus Security
<u>3515.3</u>	<u>District Police/Security Department</u>
<u>3515.3</u>	<u>District Police/Security Department</u>
3515.7	<del>Firearms On School Grounds</del> Firearms On School Grounds
3516	<del>Emergencies And Disaster Preparedness Plan</del> Emergencies And Disaster Preparedness Plan
3516	<del>Emergencies And Disaster Preparedness Plan</del> Emergencies And Disaster Preparedness Plan
3516.5	<del>Emergency Schedules</del> Emergency Schedules
3551	<del>Food Service Operations/Cafeteria Fund</del> Food Service Operations/Cafeteria Fund
3551	<del>Food Service Operations/Cafeteria Fund</del> Food Service Operations/Cafeteria Fund
3552	<del>Summer Meal Program</del> Summer Meal Program
<u>3552</u>	<u>Summer Meal Program</u>
3580	<del>District Records</del> District Records
3580	<del>District Records</del> District Records
4030	<del>Nondiscrimination In Employment</del> Nondiscrimination In Employment
4030	<del>Nondiscrimination In Employment</del> Nondiscrimination In Employment
4040	<del>Employee Use Of Technology</del> Employee Use Of Technology
4040	<del>Employee Use Of Technology</del> Employee Use Of Technology

4119.21	<u>Professional Standards</u> <u>Professional Standards</u>
4119.21-E PDF(1)	<u>Professional Standards</u> <u>Professional Standards</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4131	<u>Staff Development</u> <u>Staff Development</u>
<del>4131</del>	<u>Staff Development</u>
4132	<u>Publication Or Creation Of Materials</u> <u>Publication Or Creation Of Materials</u>
4161.8	<u>Family Care And Medical Leave</u> <u>Family Care And Medical Leave</u>
4219.21	<u>Professional Standards</u> <u>Professional Standards</u>
4219.21-E PDF(1)	<u>Professional Standards – Code Of Ethics Classified Employees</u> <u>Professional Standards</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4231	<u>Staff Development</u> <u>Staff Development</u>
<del>4231</del>	<u>Staff Development</u>
4232	<u>Publication or Creation of Materials</u> <u>Publication or Creation of Materials</u>
4261.8	<u>Family Care And Medical Leave</u> <u>Family Care And Medical Leave</u>
4319.21	<u>Professional Standards</u> <u>Professional Standards</u>
4319.21-E PDF(1)	<u>Professional Standards</u> <u>Professional Standards</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4331	<u>Staff Development</u> <u>Staff Development</u>
<del>4331</del>	<u>Staff Development</u>
4332	<u>Publication or Creation of Materials</u> <u>Publication or Creation of Materials</u>
4361.8	<u>Family Care And Medical Leave</u> <u>Family Care And Medical Leave</u>
5022	<u>Student And Family Privacy Rights</u> <u>Student And Family Privacy Rights</u>
5022	<u>Student And Family Privacy Rights</u> <u>Student And Family Privacy Rights</u>

5125	<u>Student Records</u> Student Records
5125	<u>Student Records</u> Student Records
5125.1	<u>Release Of Directory Information</u> Release Of Directory Information
5125.1	<u>Release Of Directory Information</u> Release Of Directory Information
5125.1-E PDF(1)	<u>Release Of Directory Information</u> Release Of Directory Information
5131.2	<u>Bullying</u> Bullying
5131.2	<u>Bullying</u> Bullying
6020	<u>Parent Involvement</u> Parent Involvement
6020	<u>Parent Involvement</u> Parent Involvement
6145.2	<u>Athletic Competition</u> Athletic Competition
6145.2	<u>Athletic Competition</u> Athletic Competition
6152.1	<u>Placement In Mathematics Courses</u> Placement In Mathematics Courses
6152.1	<u>Placement In Mathematics Courses</u> Placement In Mathematics Courses
6162.6	<u>Use Of Copyrighted Materials</u> Use Of Copyrighted Materials
6162.6	<u>Use Of Copyrighted Materials</u> Use Of Copyrighted Materials
6163.4	<u>Student Use Of Technology</u> Student Use Of Technology
6163.4	<u>Student Use Of Technology</u> Student Use Of Technology
6173	<u>Education For Homeless Children</u> Education For Homeless Children
6173	<u>Education For Homeless Children</u> Education For Homeless Children
6173-E PDF(1)	<u>Education For Homeless Children</u> Education For Homeless Children
<u>6173</u>	<u>Education For Homeless Children</u>
6190	<u>Evaluation Of The Instructional Program</u> Evaluation Of The Instructional Program
7150	<u>Site Selection And Development</u> Site Selection And Development
7150	<u>Site Selection And Development</u> Site Selection And Development
7214	<u>General Obligation Bonds</u> General Obligation Bonds
7214	<u>General Obligation Bonds</u> General Obligation Bonds

9010	<del>Public Statements</del> Public Statements
9012	<del>Board Member Electronic Communications</del> Board Member Electronic Communications
9310	<del>Board Policies</del> Board Policies
9320	<del>Meetings And Notices</del> Meetings And Notices
9322	<del>Agenda/Meeting Materials</del> Agenda/Meeting Materials



**Policy 1113: District And School Websites**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

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

**Design Standards**

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

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

The district's design standards shall address the accessibility of district and school websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

**Website Content**

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

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

**Privacy Rights**

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

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

The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with the student's name, may be published on district or 45

school websites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with BP/AR 5125.1 - Release of Directory Information.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district websites.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school websites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school websites without the prior written permission of that individual. (Government Code 3307.5, 7928.205, 7920.535)

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

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Bus. and Prof. Code 22580-22582	<a href="#">Privacy rights for California minors in the digital world</a>
Bus. and Prof. Code 22584-22585	<a href="#">Student Online Personal Information Protection Act</a>
Bus. and Prof. Code 22586-22587	<a href="#">Early Learning Personal Information Protection Act</a>
Civ. Code 1798.99.31	California Age-Appropriate Design Code Act
Ed. Code 32096	COVID-19 testing in schools
Ed. Code 32526	COVID Emergency Appropriations for Education
Ed. Code 35182.5	Contracts for advertising
Ed. Code 35258	Internet access to school accountability report cards
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49061	Definitions; directory information
Ed. Code 49073	Release of directory information
Ed. Code 60048	Commercial brand names, contracts or logos
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>

Gov. Code 12950	California Civil Rights Department posters
Gov. Code 3307.5	Publishing identity of public safety officers
Gov. Code 7920.000-7930.215	California Public Records Act
Pen. Code 14029.5	Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1	California Environmental Quality Act environmental review documents
<b>Federal</b>	<b>Description</b>
16 CFR 312.1-312.13	Children's Online Privacy Protection Act
17 USC 101-122	Subject matter and scope of copyright
17 USC 504	Penalties for copyright infringement
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 12101-12213	Americans with Disabilities Act
<b>Management Resources</b>	<b>Description</b>
CA Civil Rights Department Publication	Sexual Harassment
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision	City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. Department of Justice Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for Civil Rights Publication	Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

Website	<a href="#">Governor's Office of Planning and Research, The California Environmental Quality Act</a>
Website	<a href="#">California Department of Education, Web Accessibility Standards</a>
Website	<a href="#">California School Public Relations Association</a>
Website	<a href="#">U.S. Department of Justice, Civil Rights Division, Disability Rights Section</a>
Website	<a href="#">World Wide Web Consortium, Web Accessibility Initiative</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Civil Rights Department</a>
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

## Cross References

Code	Description
0000	Vision
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0510	School Accountability Report Card
1100	Communication With The Public
1112	Media Relations
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1325	Advertising And Promotion

1340	Access To District Records
1340	Access To District Records
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040	Employee Use Of Technology
4119.21	Professional Standards
4119.21	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4132	Publication Or Creation Of Materials
4161.8	Family Care And Medical Leave
4219.21	Professional Standards
4219.21	Professional Standards

4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4232	Publication or Creation of Materials
4261.8	Family Care And Medical Leave
4319.21	Professional Standards
4319.21	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4332	Publication or Creation of Materials
4361.8	Family Care And Medical Leave
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5131.2	Bullying
5131.2	Bullying
6020	Parent Involvement
6020	Parent Involvement
6145.2	Athletic Competition
6145.2	Athletic Competition
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4	Student Use Of Technology
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children

6190	Evaluation Of The Instructional Program
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
9010	Public Statements
9012	Board Member Electronic Communications
9310	Board Policies
9320	Meetings And Notices
9322	Agenda/Meeting Materials

## Policy 3250: Transportation Fees

**Status:** ADOPTED

**Original Adopted Date:** ~~08/25/2009~~12/01/1992 | **Last Revised Date:** ~~10/17/2019~~12/01/2022  
**| Last Reviewed Date:** ~~10/17/2019~~12/01/2022

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

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

The transportation fee shall be waived for ~~students with demonstrated financial need in accordance with Education Code 39807.5. Eligibility~~any student who is eligible for free transportation based on financial need shall be determined in accordance with the income eligibility scales used for the ~~free and/or reduced-price lunch program meals, who is an English learner, or who is a foster youth.~~ (Education Code 39807.5)

At the recommendation of the Superintendent or designee, the Board may also approve a waiver of a transportation fee for any group of district students.

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

Students receiving free transportation shall not be identified by the use of special bus passes, tickets, lines, seats, or any other means. They shall in no way be treated differently from other students, nor shall their names be published, posted, or announced in any manner or used for any purpose other than the transportation program.

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

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**  
5 CCR 350

**Description**  
Fees not permitted



Ed. Code 10900-10914.5	<a href="#">Community recreation programs</a>
Ed. Code 10913	<a href="#">Fees for uses of school buses for community recreation purposes</a>
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 39800-39860	Transportation
Ed. Code 39801.5	Transportation for adults
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39809.5	Excess fees; adjustments
Ed. Code 39837	Transportation to summer employment program
Ed. Code 41850	Transportation to regional occupational center or program
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49557-49558	Applications for free and reduced-price meals
Ed. Code 56026	Individual with exceptional needs
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
Court Decision	Hartzell v. Connell, 35 Cal.3d 899 (1984)
Court Decision	Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
3260	<del>Fees And Charges</del> <a href="#">Fees And Charges</a>
3260	<del>Fees And Charges</del> <a href="#">Fees And Charges</a>
3540	<del>Transportation</del> <a href="#">Transportation</a>
<del>3540</del>	<del>Transportation</del>
3541	<del>Transportation Routes And Services</del> <a href="#">Transportation Routes And Services</a>
3541.2	<del>Transportation For Students With Disabilities</del> <a href="#">Transportation For Students With Disabilities</a>
<del>3541.2</del>	<del>Transportation For Students With Disabilities</del>

3553	<del>Free And Reduced Price Meals</del> Free And Reduced Price Meals
3553	<del>Free And Reduced Price Meals</del> Free And Reduced Price Meals
4119.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> Unauthorized Release Of Confidential/Privileged Information
4219.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> Unauthorized Release Of Confidential/Privileged Information
4319.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> Unauthorized Release Of Confidential/Privileged Information
5125	<del>Student Records</del> Student Records
5125	<del>Student Records</del> Student Records
6159	<del>Individualized Education Program</del> Individualized Education Program
6159	<del>Individualized Education Program</del> Individualized Education Program
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173-E PDF(1)	<del>Education For Homeless Children</del> Education For Homeless Children
<u>6173</u>	<u>Education For Homeless Children</u>
6178.2	<del>Regional Occupational Center/Program</del> Regional Occupational Center/Program
6181	<del>Alternative Schools/Programs Of Choice</del> Alternative Schools/Programs Of Choice
6181	<del>Alternative Schools/Programs Of Choice</del> Alternative Schools/Programs Of Choice

**Policy 3250: Transportation Fees**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:** 07/20/23

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

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

The transportation fee shall be waived for any student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth. (Education Code 39807.5)

At the recommendation of the Superintendent or designee, the Board may also approve a waiver of a transportation fee for any group of district students.

In addition, no charge shall be made for any transportation of a student with a disability. (Education Code 39807.5)

Students receiving free transportation shall not be identified by the use of special bus passes, tickets, lines, seats, or any other means. They shall in no way be treated differently from other students, nor shall their names be published, posted, or announced in any manner or used for any purpose other than the transportation program.

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

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 350	Fees not permitted
Ed. Code 10900-10914.5	<a href="#">Community recreation programs</a>
Ed. Code 10913	<a href="#">Fees for uses of school buses for community recreation purposes</a>
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 39800-39860	Transportation
Ed. Code 39801.5	Transportation for adults

Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39809.5	Excess fees; adjustments
Ed. Code 39837	Transportation to summer employment program
Ed. Code 41850	Transportation to regional occupational center or program
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49557-49558	Applications for free and reduced-price meals
Ed. Code 56026	Individual with exceptional needs
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
Court Decision	Hartzell v. Connell, 35 Cal.3d 899 (1984)
Court Decision	Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
3260	Fees And Charges
3260	Fees And Charges
3540	Transportation
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4119.23	Unauthorized Release Of Confidential/Privileged Information
4219.23	Unauthorized Release Of Confidential/Privileged Information
4319.23	Unauthorized Release Of Confidential/Privileged Information
5125	Student Records
5125	Student Records
6159	Individualized Education Program
6159	Individualized Education Program

6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6178.2	Regional Occupational Center/Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice

**Policy 3260: Fees And Charges**

**Status:** ADOPTED

**Original Adopted Date:** ~~08/25/2009~~04/01/2014 | **Last Revised Date:** ~~05/14/2019~~12/01/2022  
**| Last Reviewed Date:** ~~05/14/2019~~12/01/2022

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for student participation in the district's educational program are made available to students at no cost.

No student shall be required to pay a fee, deposit, or other charge for participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of students' families and their ability to pay.

The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.<sup>58</sup>

## Complaints

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

## Collection of Debt

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: (Education Code 49014)

1. Denying full credit for any class assignment
2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 350	Fees not permitted
5 CCR 4600-4687	Uniform complaint procedures
CA Constitution Article 9, Section 5	<a href="#">Common school system</a>
Ed. Code 17453.1	District sale or lease of Internet appliances or personal computers to parents of students
Ed. Code 17551	Property fabricated by students
Ed. Code 19910-19911	Offenses against libraries
Ed. Code 32033	Eye protective devices
Ed. Code 32221	Insurance for athletic team member
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 35330-35332	Field trips
Ed. Code 35335	School camp programs
Ed. Code 38080-38086.1	Cafeteria establishment and use
Ed. Code 38120	Use of school band equipment on excursions to foreign countries
Ed. Code 39801.5	Transportation for adults
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39837	Transportation to summer employment program
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 46120	Expanded learning opportunities
Ed. Code 48050	Residents of adjoining states
Ed. Code 48052	Tuition for foreign residents
Ed. Code 48904	Liability of parent or guardian; withholding of grades, diplomas, transcripts
Ed. Code 49010-49013	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49065	Reasonable charge for transcripts
Ed. Code 49066	Grades; effect of physical education class apparel
Ed. Code 49091.14	Parental review of curriculum
Ed. Code 49501.5	California Universal Meals Program



Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 51810-51815	Community service classes
Ed. Code 52612	Tuition for adult classes
Ed. Code 52613	Nonimmigrant foreign nationals
Ed. Code 56504	School records; students with disabilities
Ed. Code 60410	Books for adult classes
Ed. Code 8211	Priority for full-day programs
Ed. Code 8213	Income eligible; definition
Ed. Code 8252-8254	Early childhood education family fees
Ed. Code 8263	Eligibility and priorities for subsidized child development services
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment Program for Teens
Ed. Code 8760-8774	Outdoor science, conservation, and forestry programs
Gov. Code 6253	Request for copy; fee
<b>Federal</b>	<b>Description</b>
8 USC 1184	Foreign students
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	<a href="#">Summer School, Third Parties, and Tuition Fees, Fiscal Management Advisory 22-01, September 1, 2022</a>
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
Court Decision	CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738
Court Decision	Driving School Assn of CA v. San Mateo Union HSD (1992) 11 Cal. App. 4th 1513
Court Decision	Hartzell v. Connell (1984) 35 Cal. 3d 899
Court Decision	Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739
Court Decision	Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

0410	<del>Nondiscrimination In District Programs And Activities</del> <u>Nondiscrimination In District Programs And Activities</u>
0415	<del>Equity</del> <u>Equity</u>
<del>0415</del> <u>0440</u>	<del>Equity</del> <u>District Technology Plan</u>
0440	<del>District Technology Plan</del> <u>District Technology Plan</u>
1230	<del>School-Connected Organizations</del> <u>School-Connected Organizations</u>
1230	<del>School-Connected Organizations</del> <u>School-Connected Organizations</u>
1312.3	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
1312.3	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
1312.3-E PDF(1)	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
1321	<del>Solicitation Of Funds From And By Students</del> <u>Solicitation Of Funds From And By Students</u>
1321	<del>Solicitation Of Funds From And By Students</del> <u>Solicitation Of Funds From And By Students</u>
3100	<del>Budget</del> <u>Budget</u>
3100	<del>Budget</del> <u>Budget</u>
3250	<del>Transportation Fees</del> <u>Transportation Fees</u>
3250	<del>Transportation Fees</del> <u>Transportation Fees</u>
3290	<del>Gifts, Grants And Bequests</del> <u>Gifts, Grants And Bequests</u>
3452	<del>Student Activity Funds</del> <u>Student Activity Funds</u>
3514.1	<del>Hazardous Substances</del> <u>Hazardous Substances</u>
3514.1	<del>Hazardous Substances</del> <u>Hazardous Substances</u>
3515.4	<del>Recovery For Property Loss Or Damage</del> <u>Recovery For Property Loss Or Damage</u>
3515.4	<del>Recovery For Property Loss Or Damage</del> <u>Recovery For Property Loss Or Damage</u>
3550	<del>Food Service/Child Nutrition Program</del> <u>Food Service/Child Nutrition Program</u>
3550	<del>Food Service/Child Nutrition Program</del> <u>Food Service/Child Nutrition Program</u>

3551	<del>Food Service Operations/Cafeteria Fund</del> <u>Food Service Operations/Cafeteria Fund</u>
3551	<del>Food Service Operations/Cafeteria Fund</del> <u>Food Service Operations/Cafeteria Fund</u>
3552	<del>Summer Meal Program</del> <u>Summer Meal Program</u>
<del>3552</del>	<u>Summer Meal Program</u>
3553	<del>Free And Reduced Price Meals</del> <u>Free And Reduced Price Meals</u>
3553	<del>Free And Reduced Price Meals</del> <u>Free And Reduced Price Meals</u>
3554	<del>Other Food Sales</del> <u>Other Food Sales</u>
3554	<del>Other Food Sales</del> <u>Other Food Sales</u>
4112.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4112.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
<del>4112.9-E PDF(1)</del>	<u>Employee Notifications</u>
4131	<del>Staff Development</del> <u>Staff Development</u>
<del>4131</del>	<u>Staff Development</u>
4212.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4212.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
<del>4212.9-E PDF(1)</del>	<u>Employee Notifications</u>
4231	<del>Staff Development</del> <u>Staff Development</u>
<del>4231</del>	<u>Staff Development</u>
4312.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4312.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
<del>4312.9-E PDF(1)</del>	<u>Employee Notifications</u>
4331	<del>Staff Development</del> <u>Staff Development</u>
<del>4331</del>	<u>Staff Development</u>
5020	<del>Parent Rights And Responsibilities</del> <u>Parent Rights And Responsibilities</u>
5020	<del>Parent Rights And Responsibilities</del> <u>Parent Rights And Responsibilities</u>
5111.1	<del>District Residency</del> <u>District Residency</u>
5111.1	<del>District Residency</del> <u>District Residency</u>
5111.2	<del>Nonresident Foreign Students</del> <u>Nonresident Foreign Students</u>
5125	<del>Student Records</del> <u>Student Records</u>
5125	<del>Student Records</del> <u>Student Records</u>

5142	<u>SafetySafety</u>
5142	<u>SafetySafety</u>
5142.1	<u>Identification And Reporting Of Missing ChildrenIdentification And Reporting Of Missing Children</u>
<del>5142.1</del>	<u>Identification And Reporting Of Missing Children</u>
5143	<u>InsuranceInsurance</u>
5143	<u>InsuranceInsurance</u>
5145.6	<u>Parent/Guardian NotificationsParent/Guardian Notifications</u>
5145.6-E PDF(1)	<u>Parent/Guardian NotificationsParent/Guardian Notifications</u>
5148	<u>Child Care And DevelopmentChild Care And Development</u>
5148	<u>Child Care And DevelopmentChild Care And Development</u>
5148.2	<u>Before/After School ProgramsBefore/After School Programs</u>
5148.2	<u>Before/After School ProgramsBefore/After School Programs</u>
5148.3	<u>Preschool/Early Childhood EducationPreschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood EducationPreschool/Early Childhood Education</u>
6141.54	<u>Advanced PlacementInternational Baccalaureate Program</u>
6141.5	<u>Advanced PlacementAdvanced Placement</u>
6142.4	<u>Service Learning/Community Service ClassesService Learning/Community Service Classes</u>
6142.5	<u>Environmental EducationEnvironmental Education</u>
6145	<u>Extracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic CompetitionAthletic Competition</u>
6145.2	<u>Athletic CompetitionAthletic Competition</u>
6153	<u>School-Sponsored TripsSchool-Sponsored Trips</u>
6153	<u>School-Sponsored TripsSchool-Sponsored Trips</u>
6158	<u>Independent StudyIndependent Study</u>
6158	<u>Independent StudyIndependent Study</u>
6161.2	<u>Damaged Or Lost Instructional MaterialsDamaged Or Lost Instructional Materials</u>
6163.1	<u>Library Media CentersLibrary Media Centers</u>

6163.4	<del>Student Use Of Technology</del> Student Use Of Technology
6163.4	<del>Student Use Of Technology</del> Student Use Of Technology
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173-E PDF(1)	<del>Education For Homeless Children</del> Education For Homeless Children
<u>6173</u>	<u>Education For Homeless Children</u>
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6177	<del>Summer Learning Programs</del> Summer Learning Programs
6178.2	<del>Regional Occupational Center/Program</del> Regional Occupational Center/Program
6200	<del>Adult Education</del> Adult Education
6200	<del>Adult Education</del> Adult Education
<del>6200-E PDF(1)</del> <u>9323.2</u>	<del>Adult Education</del> Actions By The Board
9323.2	<del>Actions By The Board</del> Actions By The Board
9323.2-E PDF(1)	<del>Actions By The Board</del> Actions By The Board

**Policy 3260: Fees And Charges**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:** 07/20/23

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1. Denying full credit for any class assignment
2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

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Ed. Code 17551	Property fabricated by students
Ed. Code 19910-19911	Offenses against libraries
Ed. Code 32033	Eye protective devices
Ed. Code 32221	Insurance for athletic team member
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 35330-35332	Field trips

Ed. Code 35335	School camp programs
Ed. Code 38080-38086.1	Cafeteria establishment and use
Ed. Code 38120	Use of school band equipment on excursions to foreign countries
Ed. Code 39801.5	Transportation for adults
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39837	Transportation to summer employment program
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 46120	Expanded learning opportunities
Ed. Code 48050	Residents of adjoining states
Ed. Code 48052	Tuition for foreign residents
Ed. Code 48904	Liability of parent or guardian; withholding of grades, diplomas, transcripts
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Ed. Code 49065	Reasonable charge for transcripts
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Ed. Code 49091.14	Parental review of curriculum
Ed. Code 49501.5	California Universal Meals Program
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 51810-51815	Community service classes
Ed. Code 52612	Tuition for adult classes
Ed. Code 52613	Nonimmigrant foreign nationals
Ed. Code 56504	School records; students with disabilities
Ed. Code 60410	Books for adult classes
Ed. Code 8211	Priority for full-day programs
Ed. Code 8213	Income eligible; definition
Ed. Code 8252-8254	Early childhood education family fees
Ed. Code 8263	Eligibility and priorities for subsidized child development services
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment Program for Teens
Ed. Code 8760-8774	Outdoor science, conservation, and forestry programs
Gov. Code 6253	Request for copy; fee



8 USC 1184

Foreign students

### Management Resources

California Department of Education  
Publication

### Description

[Summer School, Third Parties, and Tuition Fees, Fiscal Management Advisory 22-01, September 1, 2022](#)

California Department of Education  
Publication

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020

Court Decision

CTA v. Glendale School District Board of Education (1980)  
109 Cal. App. 3d 738

Court Decision

Driving School Assn of CA v. San Mateo Union HSD (1992)  
11 Cal. App. 4th 1513

Court Decision

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

Court Decision

Steffes v. California Interscholastic Federation (1986) 176  
Cal. App. 3d 739

Court Decision

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

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Department of Education](#)

Website

[CSBA](#)

### Cross References

#### Code

#### Description

0410

Nondiscrimination In District Programs And Activities

0415

Equity

0440

District Technology Plan

0440

District Technology Plan

1230

School-Connected Organizations

1230

School-Connected Organizations

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1312.3

Uniform Complaint Procedures

1321

Solicitation Of Funds From And By Students

1321

Solicitation Of Funds From And By Students

3100

Budget

3100

Budget

3250

Transportation Fees

3250	Transportation Fees
3290	Gifts, Grants And Bequests
3452	Student Activity Funds
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
4112.9	Employee Notifications
4112.9	Employee Notifications
4131	Staff Development
4212.9	Employee Notifications
4212.9	Employee Notifications
4231	Staff Development
4312.9	Employee Notifications
4312.9	Employee Notifications
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5111.1	District Residency
5111.1	District Residency
5111.2	Nonresident Foreign Students
5125	Student Records
5125	Student Records

5142	Safety
5142	Safety
5142.1	Identification And Reporting Of Missing Children
5143	Insurance
5143	Insurance
5145.6	Parent/Guardian Notifications
5145.6	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.4	Service Learning/Community Service Classes
6142.5	Environmental Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6158	Independent Study
6158	Independent Study
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4	Student Use Of Technology
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children

6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6177	Summer Learning Programs
6178.2	Regional Occupational Center/Program
6200	Adult Education
6200	Adult Education
9323.2	Actions By The Board
9323.2	Actions By The Board
9323.2	Actions By The Board

**Policy 3460: Financial Reports And Accountability**

**Status:** ADOPTED

Original Adopted Date: ~~08/25/2009~~11/01/2004 | Last Revised Date: ~~06/25/2013~~12/01/2022  
| Last Reviewed Date: ~~06/25/2013~~12/01/2022

The Governing ~~Board of Education~~ is committed to ensuring public accountability and the fiscal health of the district. The Board shall adopt sound fiscal management policies and practices, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

The Superintendent or designee shall ensure that ~~a~~all district financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education (CDE). ~~He/she~~The Superintendent or designee shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

When required by law or the Board, the Superintendent or designee shall submit to the Board reports of the district's financial status, including, but not limited to, any report specified in this Board policy or accompanying administrative regulation. When submission of any such report ~~must be approved by the Board prior to its submission~~ to a local, state, and/or federal agency requires prior Board approval, the Superintendent or designee shall provide the report to the Board in sufficient time to enable the Board to carefully review the report ~~and meet~~without breaking any applicable submission deadline.

The Board shall regularly ~~communicate~~assess the district's financial position and communicate the results to the public, and shall use financial reports to determine ~~what~~the actions and budget amendments, if any, that are needed to ensure the district's financial stability.

If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall ~~act quickly~~take action to ~~identify and~~ resolve these conditions without delay. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to ~~advise~~provide the district ~~on~~with needed advice or fiscal ~~matters~~.

management or training.

## Unaudited Actual Receipts and Expenditures

On or before September 15, the Board shall approve and file with the County Superintendent a statement of the district's unaudited actual receipts and expenditures for the preceding fiscal year. The Superintendent or designee shall prepare this statement using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42100)

## Gann Appropriations Limit Resolution

On or before September 15, the Board shall at a regular or special meeting, adopt a resolution identifying, pursuant to Government Code 7900-7914, the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

## Interim Reports/Certification of Ability to Meet Fiscal Obligations

~~The~~

Each fiscal year, the Superintendent or designee shall submit two interim ~~fiscal~~ reports to the Board, ~~the~~. The first report ~~coveringshall cover~~ the district's financial and budgetary status for the period ending October 31 and the second report ~~coveringshall cover~~ the period ending January 31. ~~The~~These reports and supporting data shall be made available by the district for public review. (Education Code 42130)

Within 45 days after the close of the period reported, the Board shall approve the interim report and ~~certify~~, on the basis of the interim report and any additional financial information known by the Board, shall certify in writing whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years. The certification shall be classified as one of the following: (Education Code 42130, 42131)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years

2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

The Superintendent or designee shall submit a copy of each interim report and certification to the County Superintendent using the state's SACS software, as prescribed by the SPI. (Education Code 42130, 42131)

If the district's certification is subsequently changed by the County Superintendent from a positive to a qualified or negative certification, or from a qualified to a negative certification, the Board may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

Whenever the district receives a qualified or negative certification from the Board or the County Superintendent, the Superintendent or designee shall cooperate in the implementation of any remedial actions taken or prescribed by the County Superintendent ~~under the authority granted to him/her pursuant to.~~ (Education Code 42131.

)

If the second interim report is accompanied by a qualified or negative certification, the Board shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement as of April 30 ("third interim report") that projects the district's fund and cash balances through June 30. (Education Code 42131)

~~At~~

~~If at~~ any time during the fiscal year ~~when,~~ the County Superintendent ~~concludes that the district's budget does not comply with the standards and criteria for financial stability and~~ conducts a comprehensive review of the district's financial and budgetary conditions ~~after he/she has determined that the district's budget does not comply with state criteria and standards for fiscal stability,~~ the Board shall review any report of the County Superintendent's findings and recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of ~~its~~ the Board's proposed actions on the recommendation. (Education Code 42637)

## Audit Report

~~Pursuant to Education Code 41020, if the district has a disapproved budget, has received a negative certification on any budget or interim fiscal report during the current fiscal year or either of the two preceding fiscal years, or has otherwise been determined by the County Superintendent to have a lack of going concern, any contract the district enters into for auditing services must be approved by the County Superintendent.~~

By April 1 of each year, the Board shall provide for an annual audit of the district's books and accounts. (Education Code 41020)

To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

~~The Board shall not select any~~

Except when, as determined by the Education Audits Appeal Panel, no otherwise eligible auditor is available, a public accounting firm ~~to provide audit services if the~~whose lead or coordinating audit partner having primary responsibility for the audit, ~~or the~~whose audit partner responsible for reviewing the audit, has performed audit services for the district in each of the six previous fiscal years. shall not be selected to perform a district audit. (Education Code 41020)

No later than December 15, the report of the audit for the preceding fiscal year shall be filed with the County Superintendent, the CDE, and the State Controller. (Education Code 41020)

Prior to December 15 whenever possible, but in no case later than January 31, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

The Board shall have an opportunity at the meeting to ask questions of the auditor and request further information about the audit findings.



The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.

The committee shall serve in an advisory capacity and may:

~~The committee shall serve in an advisory capacity and may:~~

1. Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit
3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses
4. Participate with the independent auditor in presenting the audit report to the Board
5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 1859.104	<a href="#">Leroy F. Greene School Facilities Program; reporting requirements</a>
5 CCR 15060	Standardized account code structure
5 CCR 15070	Submission of reports using standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
5 CCR 15453-15464	Criteria and standards for school district interim reports
5 CCR 19810-19816.1	Audits
Ed. Code 1240	<a href="#">County superintendent of schools; duties</a>
Ed. Code 14500-14508	<a href="#">Financial and compliance audits</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17150-17150.1	<a href="#">Public disclosure of non-voter-approved debt</a>

Ed. Code 17170-17199.5	<a href="#">California School Finance Authority</a>
Ed. Code 33127	Standards and criteria for local budgets and expenditures
Ed. Code 33128	Standards and criteria; inclusions
Ed. Code 33129	Standards and criteria; use by local agencies
Ed. Code 35035	Powers and duties of the superintendent; transfer authority
Ed. Code 41010-41024	Accounting system and audits
Ed. Code 41326	Emergency apportionment
Ed. Code 41344	Repayment of apportionment significant audit exceptions
Ed. Code 41344.1	Appeals of audit findings
Ed. Code 41455	Examination of financial problems of local districts
Ed. Code 42100-42105	Requirement to prepare and file annual statement
Ed. Code 42120-42129	Budget requirements
Ed. Code 42130-42134	Financial reports and certifications
Ed. Code 42140-42142	Public disclosure of fiscal obligations
Ed. Code 42637	County superintendent review of district's financial and budgetary conditions
Ed. Code 42652	Revocation or suspension of warrant authority
Ed. Code 48300-48316	Student attendance alternatives; school district of choice program
Ed. Code 52060-52077	Local control and accountability plan
Gov. Code 16429.1	Local agency investment fund
Gov. Code 3540.2	Meeting and negotiating in public educational employment
Gov. Code 53646	Treasurer reports and statements of investment policy
Gov. Code 7900-7914	Appropriations limit
<b>Federal</b>	<b>Description</b>
2 CFR 200.0-200.521	Federal uniform grant guidance
31 USC 7501-7507	Single audits of federal program funds
<b>Management Resources</b>	<b>Description</b>
California Department of Education Communication	New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007
California Department of Education Communication	Audit Resolution Process: Repayment Plans, December 8, 2000
Fiscal Crisis & Management Assistance Team Pub.	Indicators of Risk or Potential Insolvency For K-12 Local Education Agencies
Fiscal Crisis & Management Assistance Team Pub.	Fiscal Oversight Guide for AB 1200, AB 2756, AB 1840 and Related Legislation, September 2021

Governmental Accounting Standards Board Statement	Statement 87, Leases, June 2017
Governmental Accounting Standards Board Statement	Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009
Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2015
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999
Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015
State Controller Publication	Standards and Procedures for Audits of California K-12 Local Educational Agencies
U.S. Gov. Accountability Office & PCIE Publication	Financial Audit Manual, revised 2008
U.S. Gov. Accountability Office & PCIE Publication	Government Auditing Standards, 2011
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Governmental Accounting Standards Board</a>
Website	<a href="#">California State Controller</a>
Website	<a href="#">U.S. Government Accountability Office</a>
Website	<a href="#">California County Superintendents Educational Services Association</a>
Website	<a href="#">California Department of Education, Finance and Grants</a>
Website	<a href="#">Education Audit Appeals Panel</a>
Website	<a href="#">Fiscal Crisis and Management Assistance Team</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Association of School Business Officials</a>
Website	<a href="#">Office of Management and Budget</a>
Website	<a href="#">School Services of California, Inc.</a>

## Cross References

Code	Description
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0500	<del>Accountability</del> Accountability

1220	<u>Citizen Advisory Committees</u> Citizen Advisory Committees
1220	<u>Citizen Advisory Committees</u> Citizen Advisory Committees
1340	<u>Access To District Records</u> Access To District Records
1340	<u>Access To District Records</u> Access To District Records
3000	<u>Concepts And Roles</u> Concepts And Roles
3100	<u>Budget</u> Budget
3100	<u>Budget</u> Budget
3110	<u>Transfer Of Funds</u> Transfer Of Funds
<del>3110</del>	<u>Transfer Of Funds</u>
3220.1	<u>Lottery Funds</u> Lottery Funds
3230	<u>Federal Grant Funds</u> Federal Grant Funds
3230	<u>Federal Grant Funds</u> Federal Grant Funds
3280	<u>Sale Or Lease Of District-Owned Real Property</u> Sale Or Lease Of District-Owned Real Property
3280	<u>Sale Or Lease Of District-Owned Real Property</u> Sale Or Lease Of District-Owned Real Property
3290	<u>Gifts, Grants And Bequests</u> Gifts, Grants And Bequests
3300	<u>Expenditures And Purchases</u> Expenditures And Purchases
3312	<u>Contracts</u> Contracts
3314	<u>Payment For Goods And Services</u> Payment For Goods And Services
3314	<u>Payment For Goods And Services</u> Payment For Goods And Services
3314.2	<u>Revolving Funds</u> Revolving Funds
3400	<u>Management Of District Assets/Accounts</u> Management Of District Assets/Accounts
3400	<u>Management Of District Assets/Accounts</u> Management Of District Assets/Accounts
3430	<u>Investing</u> Investing
<del>3430</del>	<u>Investing</u>
3451	<u>Petty Cash Funds</u> Petty Cash Funds
3452	<u>Student Activity Funds</u> Student Activity Funds
<del>3470</del>	<u>Debt Issuance And Management</u>
3510	<u>Green School Operations</u> Green School Operations

3551	<del>Food Service Operations/Cafeteria Fund</del> <del>Food Service Operations/Cafeteria Fund</del>
3551	<del>Food Service Operations/Cafeteria Fund</del> <del>Food Service Operations/Cafeteria Fund</del>
3580	<del>District Records</del> <del>District Records</del>
3580	<del>District Records</del> <del>District Records</del>
4143	<del>Negotiations/Consultation</del> <del>Negotiations/Consultation</del>
4143.1	<del>Public Notice – Personnel Negotiations</del> <del>Public Notice - Personnel Negotiations</del>
4143.1	<del>Public Notice – Personnel Negotiations</del> <del>Public Notice - Personnel Negotiations</del>
4154	<del>Health And Welfare Benefits</del> <del>Health And Welfare Benefits</del>
4154	<del>Health And Welfare Benefits</del> <del>Health And Welfare Benefits</del>
4243	<del>Negotiations/Consultation</del> <del>Negotiations/Consultation</del>
4243.1	<del>Public Notice – Personnel Negotiations</del> <del>Public Notice - Personnel Negotiations</del>
4243.1	<del>Public Notice – Personnel Negotiations</del> <del>Public Notice - Personnel Negotiations</del>
4254	<del>Health And Welfare Benefits</del> <del>Health And Welfare Benefits</del>
4254	<del>Health And Welfare Benefits</del> <del>Health And Welfare Benefits</del>
4312.1	<del>Contracts</del> <del>Contracts</del>
4331	<del>Staff Development</del> <del>Staff Development</del>
<del>4331</del>	<del>Staff Development</del>
4354	<del>Health And Welfare Benefits</del> <del>Health And Welfare Benefits</del>
4354	<del>Health And Welfare Benefits</del> <del>Health And Welfare Benefits</del>
5117	<del>Interdistrict Attendance</del> <del>Interdistrict Attendance</del>
5117	<del>Interdistrict Attendance</del> <del>Interdistrict Attendance</del>
5126	<del>Awards For Achievement</del> <del>Awards For Achievement</del>
5126	<del>Awards For Achievement</del> <del>Awards For Achievement</del>
<del>6117</del>	<del>Year-Round Schedules</del>
7210	<del>Facilities Financing</del> <del>Facilities Financing</del>
7212	<del>Mello-Roos Districts</del> <del>Mello-Roos Districts</del>
7214	<del>General Obligation Bonds</del> <del>General Obligation Bonds</del>
7214	<del>General Obligation Bonds</del> <del>General Obligation Bonds</del>
9000	<del>Role Of The Board</del> <del>Role Of The Board</del>

9130

~~Board Committees~~Board Committees

9140

~~Board Representatives~~Board Representatives

9322

~~Agenda/Meeting Materials~~Agenda/Meeting Materials

**Policy 3460: Financial Reports And Accountability**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:** 07/20/23

The Governing Board is committed to ensuring public accountability and the fiscal health of the district. The Board shall adopt sound fiscal management policies and practices, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

The Superintendent or designee shall ensure that district financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education (CDE). The Superintendent or designee shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

When required by law or the Board, the Superintendent or designee shall submit to the Board reports of the district's financial status, including, but not limited to, any report specified in this Board policy or accompanying administrative regulation. When submission of any such report to a local, state, and/or federal agency requires prior Board approval, the Superintendent or designee shall provide the report to the Board in sufficient time to enable the Board to carefully review the report without breaking any applicable submission deadline.

The Board shall regularly assess the district's financial position and communicate the results to the public, and shall use financial reports to determine the actions and budget amendments, if any, that are needed to ensure the district's financial stability. If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall take action to resolve these conditions without delay. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to provide the district with needed advice or fiscal management or training.

**Unaudited Actual Receipts and Expenditures**

On or before September 15, the Board shall approve and file with the County Superintendent a statement of the district's unaudited actual receipts and expenditures for the preceding fiscal year. The Superintendent or designee shall prepare this statement using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42100)

**Gann Appropriations Limit Resolution**

On or before September 15, the Board shall, at a regular or special meeting, adopt a

resolution identifying, pursuant to Government Code 7900-7914, the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

### **Interim Reports/Certification of Ability to Meet Fiscal Obligations**

Each fiscal year, the Superintendent or designee shall submit two interim reports to the Board. The first report shall cover the district's financial and budgetary status for the period ending October 31 and the second report shall cover the period ending January 31. These reports and supporting data shall be made available by the district for public review. (Education Code 42130)

Within 45 days after the close of the period reported, the Board shall approve the interim report and, on the basis of the interim report and any additional financial information known by the Board, shall certify in writing whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years. The certification shall be classified as one of the following: (Education Code 42130, 42131)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

The Superintendent or designee shall submit a copy of each interim report and certification to the County Superintendent using the state's SACS software, as prescribed by the SPI. (Education Code 42130, 42131)

If the district's certification is subsequently changed by the County Superintendent from a positive to a qualified or negative certification, or from a qualified to a negative certification, the Board may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

Whenever the district receives a qualified or negative certification from the Board or the County Superintendent, the Superintendent or designee shall cooperate in the implementation of any remedial actions taken or prescribed by the County Superintendent. (Education Code 42131)

If the second interim report is accompanied by a qualified or negative certification, the Board shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement as of April 30 ("third interim report") that projects the district's fund and cash balances through June 30. (Education Code 42131)

If at any time during the fiscal year, the County Superintendent concludes that the district's budget does not comply with the standards and criteria for financial stability and conducts a



comprehensive review of the district's financial and budgetary conditions, the Board shall review any report of the County Superintendent's findings and recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of the Board's proposed actions on the recommendation. (Education Code 42637)

### **Audit Report**

By April 1 of each year, the Board shall provide for an annual audit of the district's books and accounts. (Education Code 41020)

To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

Except when, as determined by the Education Audits Appeal Panel, no otherwise eligible auditor is available, a public accounting firm whose lead or coordinating audit partner having primary responsibility for the audit or whose audit partner responsible for reviewing the audit has performed audit services for the district in each of the six previous fiscal years shall not be selected to perform a district audit. (Education Code 41020)

No later than December 15, the report of the audit for the preceding fiscal year shall be filed with the County Superintendent, the CDE, and the State Controller. (Education Code 41020)

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The Board shall have an opportunity at the meeting to ask questions of the auditor and request further information about the audit findings.

### **Audit Committee**

The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.

The committee shall serve in an advisory capacity and may:

1. Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit
3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses

4. Participate with the independent auditor in presenting the audit report to the Board
5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

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5 CCR 15070	Submission of reports using standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
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Ed. Code 42100-42105	Requirement to prepare and file annual statement

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Ed. Code 42140-42142	Public disclosure of fiscal obligations
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U.S. Gov. Accountability Office & PCIE Publication	Government Auditing Standards, 2011
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Website	<a href="#">Governmental Accounting Standards Board</a>
Website	<a href="#">California State Controller</a>
Website	<a href="#">U.S. Government Accountability Office</a>
Website	<a href="#">California County Superintendents Educational Services Association</a>
Website	<a href="#">California Department of Education, Finance and Grants</a>
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Website	<a href="#">Office of Management and Budget</a>
Website	<a href="#">School Services of California, Inc.</a>

## Cross References

Code	Description
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1340	Access To District Records
1340	Access To District Records
3000	Concepts And Roles
3100	Budget
3100	Budget
3110	Transfer Of Funds
3220.1	Lottery Funds
3230	Federal Grant Funds
3230	Federal Grant Funds
3280	Sale Or Lease Of District-Owned Real Property

3280	Sale Or Lease Of District-Owned Real Property
3290	Gifts, Grants And Bequests
3300	Expenditures And Purchases
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3314.2	Revolving Funds
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3430	Investing
3430	Investing
3451	Petty Cash Funds
3452	Student Activity Funds
3470	Debt Issuance And Management
3510	Green School Operations
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3580	District Records
3580	District Records
4143	Negotiations/Consultation
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4331	Staff Development
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits

5117	Interdistrict Attendance
5117	Interdistrict Attendance
5126	Awards For Achievement
5126	Awards For Achievement
6117	Year-Round Schedules
7210	Facilities Financing
7212	Mello-Roos Districts
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board
9130	Board Committees
9140	Board Representatives
9322	Agenda/Meeting Materials

## Policy 3515: Campus Security

Status: ADOPTED

Original Adopted Date: 08/25/200903/01/2007 | Last Revised Date: 02/11/202012/01/2022  
| Last Reviewed Date: 02/11/202012/01/2022

The Governing Board is committed to providing a school environment that promotes the safety of students, staff, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures, which may be included in the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

### Surveillance Systems

In consultation with school administration, Additionally, the Superintendent or designee shall regularly review current guidance regarding cybersecurity and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure, and the monitoring and response to suspicious and/or threatening digital media content.

### Reporting Threats

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. (Education Code 49390, 49393)

Threat or perceived threat means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

Additionally, anyone who receives or learns of a health or safety threat related to school or a school activity is encouraged to report the threat to a school or district administrator.

### Surveillance Systems

In consultation with the district's school site council, safety planning committee, other relevant stakeholders, and staff, the Superintendent or designee shall identify appropriate locations for the

placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous and targeted locations around school buildings and grounds. These signs shall state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur and that the recordings may be used in disciplinary proceedings and/or referred to local law enforcement, as appropriate.

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
24 CCR 1010.2	Door operations
24 CCR 1010.2.8.2	Lockable doors from the inside
CA Constitution Article 1, Section 28	<a href="#">Right to Safe Schools</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17583	Classroom security locks; modernization projects
Ed. Code 32020	School gates; entrances for emergency vehicles
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 35266	Reporting of cyber attacks
Ed. Code 38000-38005	Security departments
Ed. Code 49050-49051	Searches by school employees
Ed. Code 49060-49079	Student records
Ed. Code 49390-49395	Homicide threats
Gov. Code 11549.3	Independent security assessment



Pen. Code 469	Unauthorized making, duplicating or possession of key to public building
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.3	Definition of education records
6 USC 665k	Federal Clearinghouse on School Safety Evidence-Based Practices
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	75 Ops.Cal.Atty.Gen. 155 (1992)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 257 (2000)
California Department of Education Publication	Safe Schools: A Planning Guide for Action Workbook, 2002
Court Decision	Brannum v. Overton County School Board (2008) 516 F. 3d 489
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
National Institute of Justice Publication	The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999
US DOE Publication	FAQs on Photos and Videos under FERPA
Website	<a href="#">California Military Department</a>
Website	<a href="#">U.S. Department of Homeland Security, Fusion Centers</a>
Website	<a href="#">California State Threat Assessment System</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Education, Protecting Student Privacy</a>
Website	<a href="#">National Institute of Justice</a>
Website	<a href="#">National School Safety Center</a>
Website	<a href="#">California Department of Education, Safe Schools</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0450	<del>Comprehensive Safety Plan</del> Comprehensive Safety Plan
0450	<del>Comprehensive Safety Plan</del> Comprehensive Safety Plan
1250	<del>Visitors/Outsiders</del> Visitors/Outsiders
1250	<del>Visitors/Outsiders</del> Visitors/Outsiders
1330.1	<del>Joint Use Agreements</del> Joint Use Agreements

3000	<u>Concepts And Roles</u> Concepts And Roles
3440	<u>Inventories</u> Inventories
3515.2	<u>Disruptions</u> Disruptions
3515.2	<u>Disruptions</u> Disruptions
<u>3515.3</u>	<u>District Police/Security Department</u>
<u>3515.3</u>	<u>District Police/Security Department</u>
<u>3515.31</u>	<u>School Resource Officers</u>
3515.4	<u>Recovery For Property Loss Or Damage</u> Recovery For Property Loss Or Damage
3515.4	<u>Recovery For Property Loss Or Damage</u> Recovery For Property Loss Or Damage
3515.5	<u>Sex Offender Notification</u> Sex Offender Notification
3515.5	<u>Sex Offender Notification</u> Sex Offender Notification
3515.7	<u>Firearms On School Grounds</u> Firearms On School Grounds
3516	<u>Emergencies And Disaster Preparedness Plan</u> Emergencies And Disaster Preparedness Plan
3516	<u>Emergencies And Disaster Preparedness Plan</u> Emergencies And Disaster Preparedness Plan
3516.2	<u>Bomb Threats</u> Bomb Threats
3530	<u>Risk Management/Insurance</u> Risk Management/Insurance
3530	<u>Risk Management/Insurance</u> Risk Management/Insurance
4112.6	<u>Personnel Files</u> Personnel Files
4119.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4131	<u>Staff Development</u> Staff Development
<u>4131</u>	<u>Staff Development</u>
4158	<u>Employee Security</u> Employee Security
4158	<u>Employee Security</u> Employee Security
4219.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4231	<u>Staff Development</u> Staff Development
<u>4231</u>	<u>Staff Development</u>
4258	<u>Employee Security</u> Employee Security
4258	<u>Employee Security</u> Employee Security
4319.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4331	<u>Staff Development</u> Staff Development

<del>4331</del>	<del>Staff Development</del>
4358	<del>Employee Security</del> Employee Security
4358	<del>Employee Security</del> Employee Security
5112.5	<del>Open/Closed Campus</del> Open/Closed Campus
<del>5116.2</del>	<del>Involuntary Student Transfers</del>
5125	<del>Student Records</del> Student Records
5125	<del>Student Records</del> Student Records
5125.1	<del>Release Of Directory Information</del> Release Of Directory Information
5125.1	<del>Release Of Directory Information</del> Release Of Directory Information
5125.1-E PDF(1)	<del>Release Of Directory Information</del> Release Of Directory Information
5131.1	<del>Bus Conduct</del> Bus Conduct
5131.1	<del>Bus Conduct</del> Bus Conduct
5131.2	<del>Bullying</del> Bullying
5131.2	<del>Bullying</del> Bullying
5131.5	<del>Vandalism And Graffiti</del> Vandalism And Graffiti
5131.7	<del>Weapons And Dangerous Instruments</del> Weapons And Dangerous Instruments
5131.7	<del>Weapons And Dangerous Instruments</del> Weapons And Dangerous Instruments
5137	<del>Positive School Climate</del> Positive School Climate
5138	<del>Conflict Resolution/Peer Mediation</del> Conflict Resolution/Peer Mediation
5141.52	<del>Suicide Prevention</del> Suicide Prevention
5141.52	<del>Suicide Prevention</del> Suicide Prevention
<del>5141.52-E PDF(1)</del>	<del>Suicide Prevention</del>
5142	<del>Safety</del> Safety
5142	<del>Safety</del> Safety
5144	<del>Discipline</del> Discipline
5144	<del>Discipline</del> Discipline
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process

5145.12	<del>Search And Seizure</del> Search And Seizure
5145.12	<del>Search And Seizure</del> Search And Seizure
5145.9	<del>Hate-Motivated Behavior</del> Hate-Motivated Behavior
6142.4	<del>Service Learning/Community Service Classes</del> Service Learning/Community Service Classes
6164.2	<del>Guidance/Counseling Services</del> Guidance/Counseling Services
<del>6164.2</del>	<del>Guidance/Counseling Services</del>
6184	<del>Continuation Education</del> Continuation Education
6184	<del>Continuation Education</del> Continuation Education
7111	<del>Evaluating Existing Buildings</del> Evaluating Existing Buildings
9321	<del>Closed Session</del> Closed Session
<del>9321</del>	<del>Closed Session</del>
<del>9321</del>	<del>Closed Session</del>

**Policy 3515: Campus Security**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

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The Superintendent or designee shall develop campus security procedures, which may be included in the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

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**Reporting Threats**

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with students in any of grades 6-12, as part of a middle or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. (Education Code 49390, 49393)

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**Surveillance Systems**

In consultation with the district's school site council, safety planning committee, other relevant stakeholders, and staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

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the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur and that the recordings may be used in disciplinary proceedings and/or referred to local law enforcement, as appropriate.

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24 CCR 1010.2.8.2	Lockable doors from the inside
CA Constitution Article 1, Section 28	<a href="#">Right to Safe Schools</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17583	Classroom security locks; modernization projects
Ed. Code 32020	School gates; entrances for emergency vehicles
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 35266	Reporting of cyber attacks
Ed. Code 38000-38005	Security departments
Ed. Code 49050-49051	Searches by school employees
Ed. Code 49060-49079	Student records
Ed. Code 49390-49395	Homicide threats
Gov. Code 11549.3	Independent security assessment
Pen. Code 469	Unauthorized making, duplicating or possession of key to public building
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.3	Definition of education records

6 USC 665k

Federal Clearinghouse on School Safety Evidence-Based Practices

### Management Resources

### Description

Attorney General Opinion

75 Ops.Cal.Atty.Gen. 155 (1992)

Attorney General Opinion

83 Ops.Cal.Atty.Gen. 257 (2000)

California Department of Education Publication

Safe Schools: A Planning Guide for Action Workbook, 2002

Court Decision

Brannum v. Overton County School Board (2008) 516 F. 3d 489

Court Decision

New Jersey v. T.L.O. (1985) 469 U.S. 325

National Institute of Justice Publication

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

US DOE Publication

FAQs on Photos and Videos under FERPA

Website

[California Military Department](#)

Website

[U.S. Department of Homeland Security, Fusion Centers](#)

Website

[California State Threat Assessment System](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Education, Protecting Student Privacy](#)

Website

[National Institute of Justice](#)

Website

[National School Safety Center](#)

Website

[California Department of Education, Safe Schools](#)

Website

[CSBA](#)

### Cross References

#### Code

#### Description

0450

Comprehensive Safety Plan

0450

Comprehensive Safety Plan

1250

Visitors/Outsiders

1250

Visitors/Outsiders

1330.1

Joint Use Agreements

3000

Concepts And Roles

3440

Inventories

3515.2

Disruptions

3515.2

Disruptions

3515.3

District Police/Security Department

3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.7	Firearms On School Grounds
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.2	Bomb Threats
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.6	Personnel Files
4119.1	Civil And Legal Rights
4131	Staff Development
4158	Employee Security
4158	Employee Security
4219.1	Civil And Legal Rights
4231	Staff Development
4258	Employee Security
4258	Employee Security
4319.1	Civil And Legal Rights
4331	Staff Development
4358	Employee Security
4358	Employee Security
5112.5	Open/Closed Campus
5116.2	Involuntary Student Transfers
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5131.1	Bus Conduct



5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism And Graffiti
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.9	Hate-Motivated Behavior
6142.4	Service Learning/Community Service Classes
6164.2	Guidance/Counseling Services
6184	Continuation Education
6184	Continuation Education
7111	Evaluating Existing Buildings
9321	Closed Session
9321	Closed Session
9321	Closed Session

**Policy 3540: Transportation**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 **06/01/1992** | **Last Revised Date:** 10/17/2019 **12/01/2022**  
**| Last Reviewed Date:** 10/17/2019 **12/01/2022**

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance, and reduce tardiness. In determining the extent to which the district will provide transportation services, the Board shall weigh student and community needs against the cost of providing such services.

The Superintendent or designee shall recommend to the Board economical, environmentally sustainable, and appropriate means of providing transportation services. The district's transportation services may be provided by means of a joint powers agreement, a cooperative student transportation program, or a consortium, as permitted by law.

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.

**Transportation Plan**

The Superintendent or designee shall develop a transportation plan in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents/guardians, students, and other stakeholders. (Education Code 39800.1)

The transportation plan shall be presented to and adopted by the Board at an open meeting, with the opportunity for in-person and remote public comment, and shall be updated annually by April 1. (Education Code 39800.1)

The transportation plan shall include descriptions of the following: (Education Code 39800.1)

1. The transportation services offered to students
2. How transportation services will be prioritized for low-income students, students in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive
3. The transportation services accessible to students with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 USC 11301)
4. How unduplicated students, as defined in Education Code 42238.02, will be able to access available home-to-school transportation at no cost

## Transportation Contracts

The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)

## Expenses and Fees

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

The Board may charge a transportation fee to parents/guardians of transported students in accordance with Education Code 39807.5 and BP/AR 3250 - Transportation Fees.

~~No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.~~

## Safety and Monitoring

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators, and parents/guardians.

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

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#### **State**

13 CCR 2025

5 CCR 14100-14103

#### **Description**

[Retrofitting of diesel school buses](#)

Use of school buses and school pupil activity buses

5 CCR 15240-15343	Allowances for student transportation
5 CCR 15253-15272	District records related to transportation
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 35350	Authority to transport pupils
Ed. Code 39800	Powers of governing board to provide transportation to and from school
Ed. Code 39800-39860	Transportation
Ed. Code 39801	Contract with County Superintendent of Schools to provide transportation
Ed. Code 39802-39803	Bids and contracts for transportation services
Ed. Code 39806	Payments to parents in lieu of transportation
Ed. Code 39807	Food and lodging payments in lieu of transportation
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39808	Transportation for private school students
Ed. Code 41850-41854	Allowances for transportation
Ed. Code 41860-41862	Supplemental allowances for transportation
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 52311	Regional occupational centers; transportation
Gov. Code 3540-3549.3	Educational Employment Relations Act
Pen. Code 637.7	Electronic tracking devices
Veh. Code 2807	School bus inspection

### Management Resources

Court Decision

### Description

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

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Air Resources Board](#)

Website

[California Energy Commission](#)

Website

[CSBA](#)

### Cross References

#### Code

0410

#### Description

~~[Nondiscrimination In District Programs And Activities](#)~~  
[Nondiscrimination In District Programs And Activities](#)

<u>0470</u>	<u>COVID-19 Mitigation Plan</u>
3000	<u>Concepts And RolesConcepts And Roles</u>
3100	<u>BudgetBudget</u>
3100	<u>BudgetBudget</u>
3250	<u>Transportation FeesTransportation Fees</u>
3250	<u>Transportation FeesTransportation Fees</u>
3311	<u>BidsBids</u>
3311	<u>BidsBids</u>
3312	<u>ContractsContracts</u>
3510	<u>Green School OperationsGreen School Operations</u>
3511	<u>Energy And Water ManagementEnergy And Water Management</u>
3511	<u>Energy And Water ManagementEnergy And Water Management</u>
3512	<u>EquipmentEquipment</u>
3512-E PDF(1)	<u>EquipmentEquipment</u>
3514	<u>Environmental SafetyEnvironmental Safety</u>
3514	<u>Environmental SafetyEnvironmental Safety</u>
3515.6	<u>Criminal Background Checks For ContractorsCriminal Background Checks For Contractors</u>
3516	<u>Emergencies And Disaster Preparedness PlanEmergencies And Disaster Preparedness Plan</u>
3516	<u>Emergencies And Disaster Preparedness PlanEmergencies And Disaster Preparedness Plan</u>
3541	<u>Transportation Routes And ServicesTransportation Routes And Services</u>
3541.1	<u>Transportation For School-Related TripsTransportation For School-Related Trips</u>
3541.1-E PDF(1)	<u>Transportation For School-Related TripsTransportation For School-Related Trips</u>
3541.21	<u>Transportation For Students With DisabilitiesTransportation For School-Related Trips</u>
3541.2	<u>Transportation For Students With DisabilitiesTransportation For Students With Disabilities</u>
3542	<u>School Bus DriversSchool Bus Drivers</u>
3543	<u>Transportation Safety And EmergenciesTransportation Safety And Emergencies</u>

4112.4	<del>Health Examinations</del> Health Examinations
4112.42	<del>Drug And Alcohol Testing For School Bus Drivers</del> Drug And Alcohol Testing For School Bus Drivers
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.4	<del>Health Examinations</del> Health Examinations
4212.42	<del>Drug And Alcohol Testing For School Bus Drivers</del> Drug And Alcohol Testing For School Bus Drivers
<del>4231</del> <u>4212.42</u>	<del>Staff Development</del> Drug And Alcohol Testing For School Bus Drivers
4231	<del>Staff Development</del> Staff Development
4312.4	<del>Health Examinations</del> Health Examinations
4312.42	<del>Drug And Alcohol Testing For School Bus Drivers</del> Drug And Alcohol Testing For School Bus Drivers
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
5116.1	<del>Intradistrict Open Enrollment</del> Intradistrict Open Enrollment
5116.1	<del>Intradistrict Open Enrollment</del> Intradistrict Open Enrollment
5117	<del>Interdistrict Attendance</del> Interdistrict Attendance
5117	<del>Interdistrict Attendance</del> Interdistrict Attendance
5131.1	<del>Bus Conduct</del> Bus Conduct
5131.1	<del>Bus Conduct</del> Bus Conduct
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5142.2	<del>Safe Routes To School Program</del> Safe Routes To School Program
5142.2	<del>Safe Routes To School Program</del> Safe Routes To School Program
5148	<del>Child Care And Development</del> Child Care And Development
5148	<del>Child Care And Development</del> Child Care And Development
5148.2	<del>Before/After School Programs</del> Before/After School Programs
5148.2	<del>Before/After School Programs</del> Before/After School Programs
6142.4	<del>Service Learning/Community Service Classes</del> Service Learning/Community Service Classes
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6178.2	<del>Regional Occupational Center/Program</del> Regional Occupational Center/Program

6181

Alternative Schools/Programs Of ChoiceAlternative  
Schools/Programs Of Choice

6181

Alternative Schools/Programs Of ChoiceAlternative  
Schools/Programs Of Choice

**Policy 3540: Transportation**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:** 07/20/23

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance, and reduce tardiness. In determining the extent to which the district will provide transportation services, the Board shall weigh student and community needs against the cost of providing such services.

The Superintendent or designee shall recommend to the Board economical, environmentally sustainable, and appropriate means of providing transportation services. The district's transportation services may be provided by means of a joint powers agreement, a cooperative student transportation program, or a consortium, as permitted by law.

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.

**Transportation Plan**

The Superintendent or designee shall develop a transportation plan in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents/guardians, students, and other stakeholders. (Education Code 39800.1)

The transportation plan shall be presented to and adopted by the Board at an open meeting, with the opportunity for in-person and remote public comment, and shall be updated annually by April 1. (Education Code 39800.1)

The transportation plan shall include descriptions of the following: (Education Code 39800.1)

1. The transportation services offered to students
2. How transportation services will be prioritized for low-income students, students in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive
3. The transportation services accessible to students with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 USC 11301)
4. How unduplicated students, as defined in Education Code 42238.02, will be able to access available home-to-school transportation at no cost

**Transportation Contracts**

The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of



the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)

### **Expenses and Fees**

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

The Board may charge a transportation fee to parents/guardians of transported students in accordance with Education Code 39807.5 and BP/AR 3250 - Transportation Fees.

### **Safety and Monitoring**

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators, and parents/guardians.

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
13 CCR 2025	<a href="#"><u>Retrofitting of diesel school buses</u></a>
5 CCR 14100-14103	Use of school buses and school pupil activity buses
5 CCR 15240-15343	Allowances for student transportation
5 CCR 15253-15272	District records related to transportation
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 35350	Authority to transport pupils
Ed. Code 39800	Powers of governing board to provide transportation to and from school
Ed. Code 39800-39860	Transportation
Ed. Code 39801	Contract with County Superintendent of Schools to provide transportation

Ed. Code 39802-39803	Bids and contracts for transportation services
Ed. Code 39806	Payments to parents in lieu of transportation
Ed. Code 39807	Food and lodging payments in lieu of transportation
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39808	Transportation for private school students
Ed. Code 41850-41854	Allowances for transportation
Ed. Code 41860-41862	Supplemental allowances for transportation
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 52311	Regional occupational centers; transportation
Gov. Code 3540-3549.3	Educational Employment Relations Act
Pen. Code 637.7	Electronic tracking devices
Veh. Code 2807	School bus inspection
<b>Management Resources</b>	<b>Description</b>
Court Decision	Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Air Resources Board</a>
Website	<a href="#">California Energy Commission</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
3000	Concepts And Roles
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3311	Bids
3311	Bids
3312	Contracts
3510	Green School Operations

3511	Energy And Water Management
3511	Energy And Water Management
3512	Equipment
3512	Equipment
3514	Environmental Safety
3514	Environmental Safety
3515.6	Criminal Background Checks For Contractors
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3541	Transportation Routes And Services
3541.1	Transportation For School-Related Trips
3541.1	Transportation For School-Related Trips
3541.1	Transportation For School-Related Trips
3541.2	Transportation For Students With Disabilities
3542	School Bus Drivers
3543	Transportation Safety And Emergencies
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4231	Staff Development
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5131.1	Bus Conduct
5131.1	Bus Conduct
5141.22	Infectious Diseases

5141.22	Infectious Diseases
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.4	Service Learning/Community Service Classes
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6178.2	Regional Occupational Center/Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice

## **Policy 3555: Nutrition Program Compliance**

**Status:** ADOPTED

**Original Adopted Date:** ~~11/15/2016~~07/01/2010 | **Last Revised Date:** ~~10/27/2020~~03/01/2023  
**| Last Reviewed Date:** ~~10/27/2020~~03/01/2023

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

### **Compliance Coordinator**

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing the district's nutrition programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, ~~and~~ the Section 504 coordinator, and Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties
2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs
4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet
9. Implementing procedures to process and resolve civil rights ~~(complaints, including alleged discrimination)~~ complaints on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability, and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary
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10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

## Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster, or a substitute poster approved by ~~the~~ USDA's Food and Nutrition Service, is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs, including program requirements and program availability. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be ~~file~~filed anonymously or by a third party.

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, at the most current version of the nondiscrimination statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, menus, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

## Complaints of Discrimination

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, sexual orientation, gender identity, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: any of the following: (5 CCR 15582)

-  
Mail: U.S. Department of Agriculture;  
Office of the Assistant Secretary for Civil Rights;  
1400 Independence Avenue, SW;  
Washington, D.C. 20250-9410;  
Phone: (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish), ~~fax:~~  
Fax: (833) 256-1665 or (202) 690-7442, ~~or email~~  
Email: program.intake-@usda.gov

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

### **Complaints Regarding Noncompliance with Program Requirements**

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses in relation to any child nutrition program specified in Education Code 49550-49564.5 shall be filed with or referred to CDE. -(Education Code 49556; 5 CCR 15584)

Complaints against a program operator that is not an educational agency shall be filed with or referred to CDE. (5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's parent/guardian duly authorized representative by phone, email, or letter. ~~-~~ The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: -(5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school ~~against which~~ against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. -(5 CCR 15583)

**OPTION 1: (No appeal permitted)**

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

**OPTION 1 ENDS HERE**

**OPTION 2: (Appeal permitted)**

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 30 calendar days of the district's receipt of the complaint. If the complainant is dissatisfied with the compliance coordinator's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered pursuant to 5 CCR 4631.- When required by law, the matter shall be considered in closed session. The Board may decide not to consider the complaint, in which case the coordinator's decision shall be final.

If the Board considers the complaint, the Board's decision shall be sent to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.- (5 CCR 4631)

**OPTION 2 ENDS HERE**

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision.- (5 CCR 4632)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3080	Applicability of uniform complaint procedures to complaints regarding students with disabilities
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>



Ed. Code 42238.01	Definitions for purposes of funding
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49490-49590	Child nutrition programs
Pen. Code 422.6	Crimes; harassment
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61	Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.9	Severability
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
7 CFR 210.19	National School Lunch Program; additional responsibilities
7 CFR 210.23	National School Lunch Program; district responsibilities
7 CFR 215.14	Special Milk Program; nondiscrimination
7 CFR 215.7	Special Milk Program; requirements for participation
7 CFR 220.13	School Breakfast Program; special responsibilities of state agencies
7 CFR 220.7	School Breakfast Program; requirements for participation
7 CFR 225.11	Summer Food Service Program; corrective action procedures
7 CFR 225.3	Summer Food Service Program; administration
7 CFR 225.7	Summer Food Service Program; program monitoring
7 CFR 226.6	Child and Adult Care Food Program; state agency administrative responsibilities
7 CFR 250.15	Out-of-condition donated foods, food recalls, and complaints
<b>Management Resources</b>	<b>Description</b>

California Department of Education Publication	Civil Rights and Complaint Procedures, U.S. Department of Agriculture Child Nutrition Programs, June 2018
U. S. Department of Agriculture Publication	USDA Nondiscrimination Statement, December 2022
U.S. Department of Agriculture Publication	Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update, CRD 01-2022, May 2022
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
Website	U. S. Department of Agriculture, And Justice for All Posters
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture, Office for Civil Rights</a>
Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>
Website	<a href="#">California Department of Education, Nutrition Services Division</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

## Cross References

Code	Description
0410	<del>Nondiscrimination In District Programs And Activities</del> <u>Nondiscrimination In District Programs And Activities</u>
1100	<del>Communication With The Public</del> <u>Communication With The Public</u>
<del>1100</del> <u>1312.1</u>	<del>Communication With The Public</del> <u>Complaints Concerning District Employees</u>
1312.1	<del>Complaints Concerning District Employees</del> <u>Complaints Concerning District Employees</u>
1312. <del>43</del>	<del>Complaints Concerning District Employees</del> <u>Uniform Complaint Procedures</u>
1312.3	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
1312.3	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
1312.3- <del>E</del> PDF(1)	<del>Uniform Complaint Procedures</del> <u>Uniform Complaint Procedures</u>
3312	<del>Contracts</del> <u>Contracts</u>

3550	<del>Food Service/Child Nutrition Program</del> Food Service/Child Nutrition Program
3550	<del>Food Service/Child Nutrition Program</del> Food Service/Child Nutrition Program
3551	<del>Food Service Operations/Cafeteria Fund</del> Food Service Operations/Cafeteria Fund
3551	<del>Food Service Operations/Cafeteria Fund</del> Food Service Operations/Cafeteria Fund
3552	<del>Summer Meal Program</del> Summer Meal Program
<del>3552</del> 3553	<del>Free And Reduced Price Meals</del> Summer Meal Program
3553	<del>Free And Reduced Price Meals</del> Free And Reduced Price Meals
<del>3553</del> 4231	<del>Staff Development</del> Free And Reduced Price Meals
4231	<del>Staff Development</del> Staff Development
5022	<del>Student And Family Privacy Rights</del> Student And Family Privacy Rights
5022	<del>Student And Family Privacy Rights</del> Student And Family Privacy Rights
5030	<del>Student Wellness</del> Student Wellness
5125	<del>Student Records</del> Student Records
5125	<del>Student Records</del> Student Records
5141.27	<del>Food Allergies/Special Dietary Needs</del> Food Allergies/Special Dietary Needs
5141.27	<del>Food Allergies/Special Dietary Needs</del> Food Allergies/Special Dietary Needs
5145.13	<del>Response To Immigration Enforcement</del> Response To Immigration Enforcement
5145.13	<del>Response To Immigration Enforcement</del> Response To Immigration Enforcement
5145.6	<del>Parent/Guardian Notifications</del> Parent/Guardian Notifications
5145.6-E PDF(1)	<del>Parent/Guardian Notifications</del> Parent/Guardian Notifications
6159	<del>Individualized Education Program</del> Individualized Education Program
6159	<del>Individualized Education Program</del> Individualized Education Program
6164.6	<del>Identification And Education Under Section 504</del> Identification And Education Under Section 504
6164.6	<del>Identification And Education Under Section 504</del> Identification And Education Under Section 504

9321

~~Closed Session~~Closed Session

9321-~~E-PDF(1)~~

~~Closed Session~~Closed Session

9321-~~E-PDF(2)~~

~~Closed Session~~Closed Session

**Policy 3555: Nutrition Program Compliance**

**Status: ADOPTED**

**Original Adopted Date:** 11/15/2016 | **Last Revised Date:** 07/20/23 | **Last Reviewed Date:**

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

**Compliance Coordinator**

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing the district's nutrition programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, the Section 504 coordinator, and Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties.
2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff.

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs.
4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants.
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below.
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency.
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities.

8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet.
9. Implementing procedures to process and resolve civil rights complaints, including alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability, and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary.
10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants.

## **Notifications**

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster, or a substitute poster approved by USDA's Food and Nutrition Service, is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs, including program requirements and program availability. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be filed anonymously or by a third party.

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, the most current version of the nondiscrimination statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, menus, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

## **Complaints of Discrimination**

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, sexual orientation, gender identity, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at any of the following: (5 CCR 15582)

Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

Phone: (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish)  
Fax: (833) 256-1665 or (202) 690-7442  
Email: program.intake@usda.gov

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

### **Complaints Regarding Noncompliance with Program Requirements**

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses in relation to any child nutrition program specified in Education Code 49550-49564.5 shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints against a program operator that is not an educational agency shall be filed with or referred to CDE. (5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's duly authorized representative by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
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5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3080	Applicability of uniform complaint procedures to complaints regarding students with disabilities
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Ed. Code 42238.01	Definitions for purposes of funding
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Ed. Code 49490-49590	Child nutrition programs
Pen. Code 422.6	Crimes; harassment
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61	Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.9	Severability
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
7 CFR 210.19	National School Lunch Program; additional responsibilities
7 CFR 210.23	National School Lunch Program; district responsibilities
7 CFR 215.14	Special Milk Program; nondiscrimination
7 CFR 215.7	Special Milk Program; requirements for participation
7 CFR 220.13	School Breakfast Program; special responsibilities of state agencies
7 CFR 220.7	School Breakfast Program; requirements for participation
7 CFR 225.11	Summer Food Service Program; corrective action procedures



7 CFR 225.3	Summer Food Service Program; administration
7 CFR 225.7	Summer Food Service Program; program monitoring
7 CFR 226.6	Child and Adult Care Food Program; state agency administrative responsibilities
7 CFR 250.15	Out-of-condition donated foods, food recalls, and complaints
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Civil Rights and Complaint Procedures, U.S. Department of Agriculture Child Nutrition Programs, June 2018
U. S. Department of Agriculture Publication	USDA Nondiscrimination Statement, December 2022
U.S. Department of Agriculture Publication	Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update, CRD 01-2022, May 2022
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
Website	U. S. Department of Agriculture, And Justice for All Posters
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture, Office for Civil Rights</a>
Website	<a href="#">U.S. Department of Agriculture, Food and Nutrition Service</a>
Website	<a href="#">California Department of Education, Nutrition Services Division</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
3312	Contracts
3550	Food Service/Child Nutrition Program

3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4231	Staff Development
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5125	Student Records
5125	Student Records
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.6	Parent/Guardian Notifications
5145.6	Parent/Guardian Notifications
6159	Individualized Education Program
6159	Individualized Education Program
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
9321	Closed Session
9321	Closed Session
9321	Closed Session

## **Policy 4030: Nondiscrimination In Employment**

**Status: ADOPTED**

**Original Adopted Date:** 08/10/201005/01/2016 | **Last Revised Date:** 10/11/202203/01/2023  
**| Last Reviewed Date:** 10/11/202203/01/2023

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment  
-
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

-

- a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
- b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
- c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken.- However, when the district is notified that a complaint has been filed with the California [Civil Rights Department of Fair Employment and Housing](#), records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated.- (Government Code 12946)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	<a href="#">Discrimination in employment</a>
2 CCR 11023	<a href="#">Harassment and discrimination prevention and correction</a>
2 CCR 11024	<a href="#">Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</a>
2 CCR 11027-11028	<a href="#">National origin and ancestry discrimination</a>
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints

Pen. Code 422.56

Definitions; hate crimes

**Federal**

20 USC 1681-1688

**Description**

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

28 CFR 35.101-35.190

Americans with Disabilities Act

29 USC 621-634

Age Discrimination in Employment Act

29 USC 794

Rehabilitation Act of 1973; Section 504

34 CFR 100.6

Title VI; Compliance information

34 CFR 104.7

Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 104.8

Notice of Nondiscrimination on the Basis of Handicap

34 CFR 106.8

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

34 CFR 110.1-110.39

Nondiscrimination on the basis of age

42 USC 12101-12213

Americans with Disabilities Act

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

42 USC 2000ff-2000ff-11

Genetic Information Nondiscrimination Act of 2008

42 USC 2000h-2-2000h-6

Title IX of the Civil Rights Act of 1964

42 USC 6101-6107

Age discrimination in federally assisted programs

Executive Order 11246

“Know Your Rights: Workplace Discrimination is Illegal” poster

U.S. Constitution

Amendment 1, Free exercise, free speech, and establishment clauses

**Management Resources**

**Description**

CA Civil Rights Department Publication

Family Care and Medical Leave and Pregnancy Disability Leave

CA Civil Rights Department Publication

California Law Prohibits Workplace Discrimination and Harassment

CA Civil Rights Department Publication

The Rights of Employees Who Are Transgender or Gender Nonconforming

CA Civil Rights Department Publication

Harassment Prevention Guide for California Employers

CA Civil Rights Department Publication

Your Rights and Obligations as a Pregnant Employee

Court Decision

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision

Shepard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837

Court Decision

Thomson v. North American Stainless LP (2011) 62 U.S. 170

U.S. DOE Office for Civil Rights  
Publication  
U.S. Equal Employment Opportunity  
Comm Publication

Notice of Non-Discrimination, August 2010

Know Your Rights: Workplace Discrimination is Illegal,  
October 2022

U.S. Equal Employment Opportunity  
Comm Publication

Enforcement Guidance: Vicarious Employer Liability for  
Unlawful Harassment by Supervisors, June 1999

U.S. Equal Employment Opportunity  
Comm Publication  
Website

EEOC Compliance Manual

[U.S. Department of Labor, Office of Federal Contract  
Compliance Program](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Civil Rights Department](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Website

[U.S. Equal Employment Opportunity Commission](#)

## Cross References

### Code

### Description

0410

~~Nondiscrimination In District Programs And  
Activities~~  
~~Nondiscrimination In District Programs And  
Activities~~

~~0470~~

~~COVID-19 Mitigation Plan~~

1113

~~District And School Web Sites~~  
~~District And School Web Sites~~

1113

~~District And School Web Sites~~  
~~District And School Web Sites~~

1113-E PDF(1)

~~District And School Web Sites~~  
~~District And School Web Sites~~

1114

~~District-Sponsored Social Media~~  
~~District-Sponsored Social  
Media~~

~~1114~~

~~District-Sponsored Social Media~~

1240

~~Volunteer Assistance~~  
~~Volunteer Assistance~~

1240

~~Volunteer Assistance~~  
~~Volunteer Assistance~~

1312.1

~~Complaints Concerning District Employees~~  
~~Complaints  
Concerning District Employees~~

1312.1

~~Complaints Concerning District Employees~~  
~~Complaints  
Concerning District Employees~~

1312.3

~~Uniform Complaint Procedures~~  
~~Uniform Complaint  
Procedures~~

1312.3

~~Uniform Complaint Procedures~~  
~~Uniform Complaint  
Procedures~~

1312.3-E PDF(1)

~~Uniform Complaint Procedures~~  
~~Uniform Complaint  
Procedures~~

<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1313</u>	<u>Civility</u>
3312	<u>ContractsContracts</u>
3530	<u>Risk Management/InsuranceRisk Management/Insurance</u>
3530	<u>Risk Management/InsuranceRisk Management/Insurance</u>
3580	<u>District RecordsDistrict Records</u>
3580	<u>District RecordsDistrict Records</u>
3600	<u>ConsultantsConsultants</u>
4000	<u>Concepts And RolesConcepts And Roles</u>
4032	<u>Reasonable AccommodationReasonable Accommodation</u>
4033	<u>Lactation AccommodationLactation Accommodation</u>
4111	<u>Recruitment And SelectionRecruitment And Selection</u>
4111.2	<u>Legal Status RequirementLegal Status Requirement</u>
4111.2	<u>Legal Status RequirementLegal Status Requirement</u>
4112.4	<u>Health ExaminationsHealth Examinations</u>
4112.41	<u>Employee Drug TestingEmployee Drug Testing</u>
4112.641	<u>Personnel FilesEmployee Drug Testing</u>
4112.86	<u>Employment Of RelativesPersonnel Files</u>
4112.98	<u>Employee NotificationsEmployment Of Relatives</u>
4112.9	<u>Employee NotificationsEmployee Notifications</u>
4112.9-E PDF(1)	<u>Employee NotificationsEmployee Notifications</u>
<u>4113.5</u>	<u>Working Remotely</u>
<u>4114</u>	<u>Transfers</u>
4118	<u>Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action</u>
4119.1	<u>Civil And Legal RightsCivil And Legal Rights</u>
4119.11	<u>Sexual HarassmentSexual Harassment</u>
4119.11	<u>Sexual HarassmentSexual Harassment</u>
4119.12	<u>Title IX Sexual Harassment Complaint ProceduresTitle IX Sexual Harassment Complaint Procedures</u>
4119.12-E PDF(1)	<u>Title IX Sexual Harassment Complaint ProceduresTitle IX Sexual Harassment Complaint Procedures</u>



4119.22	<del>Dress And Grooming</del> Dress And Grooming
4119.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> Unauthorized Release Of Confidential/Privileged Information
4119.41	<del>Employees With Infectious Disease</del> Employees With Infectious Disease
4131	<del>Staff Development</del> Staff Development
<del>4131</del>	<del>Staff Development</del>
4144	<del>Complaints</del> Complaints
4144	<del>Complaints</del> Complaints
4151	<del>Employee Compensation</del> Employee Compensation
4154	<del>Health And Welfare Benefits</del> Health And Welfare Benefits
4154	<del>Health And Welfare Benefits</del> Health And Welfare Benefits
4161.5	<del>Military Leave</del> Military Leave
4161.8	<del>Family Care And Medical Leave</del> Family Care And Medical Leave
4211	<del>Recruitment And Selection</del> Recruitment And Selection
4211.2	<del>Legal Status Requirement</del> Legal Status Requirement
4211.2	<del>Legal Status Requirement</del> Legal Status Requirement
4212.4	<del>Health Examinations</del> Health Examinations
4212.41	<del>Employee Drug Testing</del> Employee Drug Testing
4212. <del>641</del>	<del>Personnel Files</del> Employee Drug Testing
4212. <del>86</del>	<del>Employment Of Relatives</del> Personnel Files
4212. <del>98</del>	<del>Employee Notifications</del> Employment Of Relatives
4212.9	<del>Employee Notifications</del> Employee Notifications
4212.9-E PDF(1)	<del>Employee Notifications</del> Employee Notifications
<del>4213.5</del>	<del>Working Remotely</del>
4218	<del>Dismissal/Suspension/Disciplinary Action</del> Dismissal/Suspension/Disciplinary Action
4218	<del>Dismissal/Suspension/Disciplinary Action</del> Dismissal/Suspension/Disciplinary Action
<del>4218.1</del>	<del>Dismissal/Suspension/Disciplinary Action (Merit System)</del>
4219.1	<del>Civil And Legal Rights</del> Civil And Legal Rights
4219.11	<del>Sexual Harassment</del> Sexual Harassment
4219.11	<del>Sexual Harassment</del> Sexual Harassment

4219.12	<del>Title IX Sexual Harassment Complaint Procedures</del> <u>Title IX Sexual Harassment Complaint Procedures</u>
4219.12-E PDF(1)	<del>Title IX Sexual Harassment Complaint Procedures</del> <u>Title IX Sexual Harassment Complaint Procedures</u>
4219.22	<del>Dress And Grooming</del> <u>Dress And Grooming</u>
4219.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4219.41	<del>Employees With Infectious Disease</del> <u>Employees With Infectious Disease</u>
4231	<del>Staff Development</del> <u>Staff Development</u>
<del>4231</del>	<del>Staff Development</del> <u>Staff Development</u>
4244	<del>Complaints</del> <u>Complaints</u>
4244	<del>Complaints</del> <u>Complaints</u>
4251	<del>Employee Compensation</del> <u>Employee Compensation</u>
4254	<del>Health And Welfare Benefits</del> <u>Health And Welfare Benefits</u>
4254	<del>Health And Welfare Benefits</del> <u>Health And Welfare Benefits</u>
4261.5	<del>Military Leave</del> <u>Military Leave</u>
4261.8	<del>Family Care And Medical Leave</del> <u>Family Care And Medical Leave</u>
4311	<del>Recruitment And Selection</del> <u>Recruitment And Selection</u>
<del>4311</del>	<del>Recruitment And Selection</del> <u>Recruitment And Selection</u>
4311.2	<del>Legal Status Requirement</del> <u>Legal Status Requirement</u>
4311.2	<del>Legal Status Requirement</del> <u>Legal Status Requirement</u>
4312.4	<del>Health Examinations</del> <u>Health Examinations</u>
4312.41	<del>Employee Drug Testing</del> <u>Employee Drug Testing</u>
4312.641	<del>Personnel Files</del> <u>Personnel Files</u>
4312.86	<del>Employment Of Relatives</del> <u>Employment Of Relatives</u>
4312.98	<del>Employee Notifications</del> <u>Employee Notifications</u>
4312.9	<del>Employee Notifications</del> <u>Employee Notifications</u>
4312.9-E PDF(1)	<del>Employee Notifications</del> <u>Employee Notifications</u>
<del>4313.5</del>	<del>Working Remotely</del> <u>Working Remotely</u>
4319.1	<del>Civil And Legal Rights</del> <u>Civil And Legal Rights</u>
4319.11	<del>Sexual Harassment</del> <u>Sexual Harassment</u>
4319.11	<del>Sexual Harassment</del> <u>Sexual Harassment</u>

4319.12	<del>Title IX Sexual Harassment Complaint Procedures</del> <u>Title IX Sexual Harassment Complaint Procedures</u>
4319.12-E PDF(1)	<del>Title IX Sexual Harassment Complaint Procedures</del> <u>Title IX Sexual Harassment Complaint Procedures</u>
4319.22	<del>Dress And Grooming</del> <u>Dress And Grooming</u>
4319.23	<del>Unauthorized Release Of Confidential/Privileged Information</del> <u>Unauthorized Release Of Confidential/Privileged Information</u>
4319.41	<del>Employees With Infectious Disease</del> <u>Employees With Infectious Disease</u>
4331	<del>Staff Development</del> <u>Staff Development</u>
<del>4331</del>	<del>Staff Development</del> <u>Staff Development</u>
4344	<del>Complaints</del> <u>Complaints</u>
4344	<del>Complaints</del> <u>Complaints</u>
4351	<del>Employee Compensation</del> <u>Employee Compensation</u>
4354	<del>Health And Welfare Benefits</del> <u>Health And Welfare Benefits</u>
4354	<del>Health And Welfare Benefits</del> <u>Health And Welfare Benefits</u>
4361.5	<del>Military Leave</del> <u>Military Leave</u>
4361.8	<del>Family Care And Medical Leave</del> <u>Family Care And Medical Leave</u>
9000	<del>Role Of The Board</del> <u>Role Of The Board</u>
9321	<del>Closed Session</del> <u>Closed Session</u>
9321-E PDF(1)	<del>Closed Session</del> <u>Closed Session</u>
9321-E PDF(2)	<del>Closed Session</del> <u>Closed Session</u>

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 08/10/2010 | Last Revised Date: 10/11/2022 | Last Reviewed Date: 10/11/2022

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

- b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
- c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decision making

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	<a href="#">Discrimination in employment</a>
2 CCR 11023	<a href="#">Harassment and discrimination prevention and correction</a>
2 CCR 11024	<a href="#">Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</a>
2 CCR 11027-11028	<a href="#">National origin and ancestry discrimination</a>
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 51.7	<a href="#">Freedom from violence or intimidation</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Pen. Code 422.56	Definitions; hate crimes
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	“Know Your Rights: Workplace Discrimination is Illegal” poster
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses
Management Resources	Description
CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	The Rights of Employees Who Are Transgender or Gender Nonconforming
CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Shephard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, October 2022
U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual
Website	<a href="#">U.S. Department of Labor, Office of Federal Contract Compliance Program</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Civil Rights Department</a>

Website [U.S. Department of Education, Office for Civil Rights](#)

Website [U.S. Equal Employment Opportunity Commission](#)

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113	District And School Web Sites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1313	Civility
3312	Contracts
3530	Risk Management/ Insurance
3530	Risk Management/ Insurance
3580	District Records
3580	District Records
3600	Consultants
4000	Concepts And Roles
4032	Reasonable Accommodation
4033	Lactation Accommodation
4111	Recruitment And Selection
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement



4112.4	Health Examinations
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.6	Personnel Files
4112.8	Employment Of Relatives
4112.9	Employee Notifications
4112.9	Employee Notifications
4113.5	Working Remotely
4114	Transfers
4118	Dismissal/ Suspension/ Disciplinary Action
4118	Dismissal/ Suspension/ Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/ Privileged Information
4119.41	Employees With Infectious Disease
4131	Staff Development
4144	Complaints
4144	Complaints
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing

4212.6	Personnel Files
4212.8	Employment Of Relatives
4212.9	Employee Notifications
4212.9	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/ Suspension/ Disciplinary Action
4218	Dismissal/ Suspension/ Disciplinary Action
4218.1	Dismissal/ Suspension/ Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/ Privileged Information
4219.41	Employees With Infectious Disease
4231	Staff Development
4244	Complaints
4244	Complaints
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.6	Personnel Files
4312.8	Employment Of Relatives
4312.9	Employee Notifications

4312.9	Employee Notifications
4313.5	Working Remotely
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.22	Dress And Grooming
4319.23	Unauthorized Release Of Confidential/ Privileged Information
4319.41	Employees With Infectious Disease
4331	Staff Development
4344	Complaints
4344	Complaints
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.5	Military Leave
4361.8	Family Care And Medical Leave
9000	Role Of The Board
9321	Closed Session
9321	Closed Session
9321	Closed Session

**Policy 4218: Dismissal/Suspension/Disciplinary Action**

**Status:** ADOPTED

**Original Adopted Date:** 12/10/2019 | **Last Revised Date:** 02/14/2023 | **Last Reviewed Date:** 02/14/2023

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

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to Education Code 48907 or 48950.

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

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

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

**Procedures for Serious Disciplinary Proceedings**

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

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing review process. The notice shall include a statement

advising the employee of the right to request a Board hearing on the matter.

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

If a timely request is submitted, a hearing shall be conducted by the Board. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education code 45113, and as specified in the accompanying administrative regulation.

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

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

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

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

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

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

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

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board shall review the determination and to adopt or reject the recommended decision. (Education Code 45113)

When any the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
<b>Federal</b>	<b>Description</b>
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses
<b>Management Resources</b>	<b>Description</b>
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150

Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	<a href="#">Office of the Attorney General</a>
Website	<a href="#">Office of Administrative Hearings</a>
Website	<a href="#">Department of General Services, About Teacher Dismissal Case Type</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

## Cross References

Code	Description
1114	<a href="#">District-Sponsored Social Media</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515.2	<a href="#">Disruptions</a>
3515.2	<a href="#">Disruptions</a>
3515.21	<a href="#">Unmanned Aircraft Systems (Drones)</a>
3516.2	<a href="#">Bomb Threats</a>
3542	<a href="#">School Bus Drivers</a>
4000	<a href="#">Concepts And Roles</a>
4020	<a href="#">Drug And Alcohol-Free Workplace</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040	<a href="#">Employee Use Of Technology</a>
4112.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4112.5	<a href="#">Criminal Record Check</a>

4112.6	<a href="#">Personnel Files</a>
4119.1	<a href="#">Civil And Legal Rights</a>
4119.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4119.12-E PDF(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4119.22	<a href="#">Dress And Grooming</a>
4119.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4119.24	<a href="#">Maintaining Appropriate Adult-Student Interactions</a>
4119.25	<a href="#">Political Activities Of Employees</a>
4119.25	<a href="#">Political Activities Of Employees</a>
4127	<a href="#">Temporary Athletic Team Coaches</a>
4127	<a href="#">Temporary Athletic Team Coaches</a>
4136	<a href="#">Nonschool Employment</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4159	<a href="#">Employee Assistance Programs</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.11	<a href="#">Industrial Accident/Illness Leave</a>
4200	<a href="#">Classified Personnel</a>
4200	<a href="#">Classified Personnel</a>
4212	<a href="#">Appointment And Conditions Of Employment</a>
4212.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4216	<a href="#">Probationary/Permanent Status</a>



4219.1	<a href="#">Civil And Legal Rights</a>
4219.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4219.12-E PDF(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4219.21-E PDF(1)	<a href="#">Professional Standards - Code Of Ethics Classified Employees</a>
4219.22	<a href="#">Dress And Grooming</a>
4219.23	<a href="#">Unauthorized Release Of Confidential/Privileged Information</a>
4219.24	<a href="#">Maintaining Appropriate Adult-Student Interactions</a>
4219.25	<a href="#">Political Activities Of Employees</a>
4219.25	<a href="#">Political Activities Of Employees</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4236	<a href="#">Nonschool Employment</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4257	<a href="#">Employee Safety</a>
4257	<a href="#">Employee Safety</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4259	<a href="#">Employee Assistance Programs</a>
4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
4261.11	<a href="#">Industrial Accident/Illness Leave</a>
4312.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4312.5	<a href="#">Criminal Record Check</a>
4312.6	<a href="#">Personnel Files</a>
4319.1	<a href="#">Civil And Legal Rights</a>
4319.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4319.12-E PDF(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>

4319.22	<a href="#"><u>Dress And Grooming</u></a>
4319.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4319.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4319.25	<a href="#"><u>Political Activities Of Employees</u></a>
4319.25	<a href="#"><u>Political Activities Of Employees</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4336	<a href="#"><u>Nonschool Employment</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4357	<a href="#"><u>Employee Safety</u></a>
4357	<a href="#"><u>Employee Safety</u></a>
4358	<a href="#"><u>Employee Security</u></a>
4358	<a href="#"><u>Employee Security</u></a>
4359	<a href="#"><u>Employee Assistance Programs</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.9	<a href="#"><u>Hate-Motivated Behavior</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6162.54	<a href="#"><u>Test Integrity/Test Preparation</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9321	<a href="#"><u>Closed Session</u></a>
9321-E PDF(1)	<a href="#"><u>Closed Session</u></a>
9321-E PDF(2)	<a href="#"><u>Closed Session</u></a>

Policy 4218: Dismissal/ Suspension/ Disciplinary Action

Status: ADOPTED

Original Adopted Date: 12/10/2019 | Last Revised Date: 02/14/2023 | Last Reviewed Date: 02/14/2023

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

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to Education Code 48907 or 48950.

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

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

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

### **Procedures for Serious Disciplinary Proceedings**

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

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising

the employee of the right to request a Board hearing on the matter.

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

If a timely request is submitted, a hearing shall be conducted by the Board. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education code 45113, and as specified in the accompanying administrative regulation.

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

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

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

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

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

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

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

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board shall review the determination and to adopt or reject the recommended decision. (Education Code 45113)

When any the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
Federal	Description
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses
Management Resources	Description
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150

Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	<a href="#">Office of the Attorney General</a>
Website	<a href="#">Office of Administrative Hearings</a>
Website	<a href="#">Department of General Services, About Teacher Dismissal Case Type</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

## Cross References

Code	Description
1114	<a href="#">District-Sponsored Social Media</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515.2	<a href="#">Disruptions</a>
3515.2	<a href="#">Disruptions</a>
3515.21	<a href="#">Unmanned Aircraft Systems (Drones)</a>
3516.2	<a href="#">Bomb Threats</a>
3542	<a href="#">School Bus Drivers</a>
4000	<a href="#">Concepts And Roles</a>
4020	<a href="#">Drug And Alcohol-Free Workplace</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040	<a href="#">Employee Use Of Technology</a>
4112.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4112.5	<a href="#">Criminal Record Check</a>

4112.6	<a href="#"><u>Personnel Files</u></a>
4119.1	<a href="#"><u>Civil And Legal Rights</u></a>
4119.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
4119.22	<a href="#"><u>Dress And Grooming</u></a>
4119.23	<a href="#"><u>Unauthorized Release Of Confidential/ Privileged Information</u></a>
4119.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4136	<a href="#"><u>Nonschool Employment</u></a>
4141.6	<a href="#"><u>Concerted Action/ Work Stoppage</u></a>
4141.6	<a href="#"><u>Concerted Action/ Work Stoppage</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4158	<a href="#"><u>Employee Security</u></a>
4158	<a href="#"><u>Employee Security</u></a>
4159	<a href="#"><u>Employee Assistance Programs</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161.11	<a href="#"><u>Industrial Accident/ Illness Leave</u></a>
4200	<a href="#"><u>Classified Personnel</u></a>
4200	<a href="#"><u>Classified Personnel</u></a>
4212	<a href="#"><u>Appointment And Conditions Of Employment</u></a>
4212.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4212.5	<a href="#"><u>Criminal Record Check</u></a>
4212.6	<a href="#"><u>Personnel Files</u></a>
4216	<a href="#"><u>Probationary/ Permanent Status</u></a>

4219.1	<a href="#"><u>Civil And Legal Rights</u></a>
4219.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.21	<a href="#"><u>Professional Standards</u></a>
4219.21-E PDF(1)	<a href="#"><u>Professional Standards - Code Of Ethics Classified Employees</u></a>
4219.22	<a href="#"><u>Dress And Grooming</u></a>
4219.23	<a href="#"><u>Unauthorized Release Of Confidential/ Privileged Information</u></a>
4219.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4219.25	<a href="#"><u>Political Activities Of Employees</u></a>
4219.25	<a href="#"><u>Political Activities Of Employees</u></a>
4227	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4227	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4236	<a href="#"><u>Nonschool Employment</u></a>
4241.6	<a href="#"><u>Concerted Action/ Work Stoppage</u></a>
4241.6	<a href="#"><u>Concerted Action/ Work Stoppage</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4257	<a href="#"><u>Employee Safety</u></a>
4257	<a href="#"><u>Employee Safety</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4259	<a href="#"><u>Employee Assistance Programs</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261.11	<a href="#"><u>Industrial Accident/ Illness Leave</u></a>
4312.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4312.5	<a href="#"><u>Criminal Record Check</u></a>
4312.6	<a href="#"><u>Personnel Files</u></a>
4319.1	<a href="#"><u>Civil And Legal Rights</u></a>
4319.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4319.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4319.21	<a href="#"><u>Professional Standards</u></a>
4319.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>



4319.22	<a href="#"><u>Dress And Grooming</u></a>
4319.23	<a href="#"><u>Unauthorized Release Of Confidential/ Privileged Information</u></a>
4319.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4319.25	<a href="#"><u>Political Activities Of Employees</u></a>
4319.25	<a href="#"><u>Political Activities Of Employees</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4336	<a href="#"><u>Nonschool Employment</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4357	<a href="#"><u>Employee Safety</u></a>
4357	<a href="#"><u>Employee Safety</u></a>
4358	<a href="#"><u>Employee Security</u></a>
4358	<a href="#"><u>Employee Security</u></a>
4359	<a href="#"><u>Employee Assistance Programs</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361.11	<a href="#"><u>Industrial Accident/ Illness Leave</u></a>
5145.3	<a href="#"><u>Nondiscrimination/ Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/ Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.9	<a href="#"><u>Hate-Motivated Behavior</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6162.54	<a href="#"><u>Test Integrity/ Test Preparation</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9321	<a href="#"><u>Closed Session</u></a>
9321-E PDF(1)	<a href="#"><u>Closed Session</u></a>
9321-E PDF(2)	<a href="#"><u>Closed Session</u></a>

## Policy 6146.1: High School Graduation Requirements

**Status:** ADOPTED

**Original Adopted Date:** ~~06/12/2012~~01/2017 | **Last Revised Date:** ~~12/13/2022~~03/01/2023 |  
**Last Reviewed Date:** ~~12/13/2022~~03/01/2023

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3 ~~and those adopted by the Board, except for students who are.~~ Unless exempted as provided in "Exemptions from District-Adopted Graduation Requirements," ~~below~~ district students shall also complete other course requirements adopted by the Board. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

### ~~Pathway Support~~

~~Alameda Unified School District is to support 9<sup>th</sup> – 12<sup>th</sup> grade students understand the multiple pathways to earning high school credit toward graduation along with the necessary classes that need to be taken in order to achieve A-G readiness. Students' will be given multiple opportunities to engage with staff to learn about opportunities that exist outside the traditional high school such as concurrent enrollment at the Peralta colleges or alternative programs to help plan their own path to college and career.~~

### Course Requirements

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

- ~~1. 1.~~ Four ~~Three~~ courses in English (Education Code 51225.3)
- ~~2.~~ -  
~~2.~~ Two courses in ~~Mathematics~~ mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. -Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

- ~~3.~~ 3. Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State

University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)

~~3.—~~

4. Two courses in ~~Laboratory Sciences~~(science, including a year each in both biological and physical lab sciences that are UC approved "d" requirements).

~~Students shall be counseled that foundational science requirements for state public college admission include completion of 1) Biology and 2) Chemistry or Physics. Students shall be counseled that these two years of laboratory science are required for UC-CSU admission but that three years of lab science are recommended. This graduation requirement takes effect for AUSD students graduating in 2020 and thereafter. (Education Code 51225.3)~~

~~4.— Four~~

5. Three courses in ~~Social Studies~~social studies, including United States ~~History and Geography; World History, Culture, and Geography; a one-semester course in Economics~~(U.S.) history and geography; world history, culture, and geography; a one-semester course in American ~~Government~~government and ~~Civics~~civics; and a one-semester course in ~~Ethnic Studies~~economics (Education Code 51225.3)

~~5.—~~

6. One course in ~~Visual~~visual or performing arts, world language, or ~~Performing Arts, World Language, or career technical education~~Career Technical Education (CTE). -For purposes of this requirement, a course in American Sign Language shall be deemed a course in ~~World Language~~world language (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

~~6.—~~

7. Two courses in ~~Physical Education~~physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

~~7.— One course in Navigating Life (one semester)~~

~~The normal course load for students is six courses per semester.~~

~~a. Each student must complete a total of 220 credits for graduation.~~

- ~~1. b. Each student shall complete a total of 20 hours of community service work during the 10th, 11th, and/or 12th grade(s)~~

8. ~~Only passing grades of "D" or above will be used to establish credit. Class standing will be based upon the individual accumulation of credit as follows:~~  
~~Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)~~

9.


Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

### Exemptions from District-Adopted Graduation Requirements

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

In addition, a foster youth, ~~homeless~~ student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a foster youth, ~~homeless~~ student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (~~Education Code 51225.1~~)

### ~~Continuation High School Graduation Requirements~~

~~The following requirements are specific to AUSD's Continuation High School program. Students who return to a comprehensive or other non-continuation program will be required to complete the standard AUSD graduation requirements outlined in BP 6146.1.~~

#### ~~Course Requirements~~

~~To obtain a diploma of graduation from the district's continuation high school, AUSD students shall complete at least the following courses in grades 9-12, with each course being an equivalent of one year unless otherwise specified (Education Code 51225.3):~~

- ~~1. Three courses in English. (Education Code 51225.3)~~

~~2.—Two courses in Mathematics, one which must be Algebra I. A student who completes coursework in grades 7 through 12 that meets or exceeds state academic content standards for Algebra I in less than two courses shall be considered to have met the requirement for Algebra I. Completion, prior to grade 9, of Algebra coursework that meets or exceeds state academic content standards shall not exempt a student from the requirement to complete two mathematics courses in grades 9-1 (Education Code 51224.5 and 51225.3)~~

~~3.—Two courses in Laboratory Sciences (including a year each in both biological and physical lab sciences). Students shall be counseled that foundational science requirements for state public college admission include completion of 1) Biology and 2) Chemistry or Physics. Students shall be counseled that two years of approved laboratory science are required for UC-CSU admission but that three years of lab science are recommended. (Education Code 51225.3)~~

~~4.—Four courses in Social Studies, including United States History and Geography; World History, culture, and geography; a one-semester course in Economics; a one-semester course in American Government and Civics; and a one-semester course in Ethnic Studies. (Education Code 51225.3)~~

~~5.—One course in Visual and Performing Arts and one course in World Language. For purposes of this requirement, American Sign Language shall qualify as a world language (Education Code 51223). Students may substitute a course in (Education Code 51225.1)~~

The Superintendent or designee shall not require or request a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

If a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements. Career Technical Education for one of these required courses (Assembly Bill 1330). Students shall be counseled that one year of visual and performing arts and two years of world language are required for UC-CSU admission but three years of a world language are recommended for UC-CSU admission. This graduation requirement takes effect for students graduating in 2016 and thereafter.

~~6.—Two courses in Physical Education, unless the student has been otherwise exempted pursuant~~

~~to other sections of the Education Code (Education Code 51225.3). Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.~~

~~7. One course in Navigating Life (one semester).~~

~~The Superintendent or designee shall exempt or waive specific course requirements for foster youth or children of military families in accordance with Education Code 51225.3 and 49701.~~

~~-~~

~~1. Each student must complete a total of 200 credits for graduation.~~

~~-~~

~~2. Each student must attain a cumulative Grade Point Average (GPA) of not less than 1.75.~~

~~-~~

~~3. Each student shall complete a total of 20 hours of community service work during the 10th, 11th, and/or 12th grade(s).~~

~~-~~

~~4. Each student must complete at least two (2) of the following community college experiences:~~

~~a. Meet with a community college counselor~~

~~b. Complete a community college course~~

~~c. Create a community college online account~~

~~d. Participate in an official tour of a community college campus~~

~~5. Each student must complete all of the following as part of a career planning course or portfolio:~~

~~a. Resume~~

~~b. Cover Letter~~

~~c. Career Interest Survey/Inventory~~

~~Only passing grades of "D" or above will be used to establish credit. Class standing will be based upon the individual accumulation of credit as follows:~~

~~Because the prescribed course of study may not accommodate needs of some students, the Board shall provide alternative means for the completion of prescribed course in accordance with law.~~

### **~~Additional Opportunities to Complete Required Coursework~~**

~~The Superintendent or designee shall provide a student who was enrolled in the third or fourth year of high school during the 2020-21 school year and is not on track to graduate in the 2020-21 or 2021-22 school years the opportunity to complete the statewide coursework required for graduation, which may include, but is not limited to, completion of the coursework through a fifth year of instruction, credit recovery, or other opportunity to complete the required coursework. (Education Code 51225)~~

## Retroactive Diplomas

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

In addition, the district may retroactively grant high school diplomas to former students who:— (Education Code 48204.4, 51430, 51440)

~~1.—~~

- ~~1.~~ Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the ~~United States~~U.S. or through online or virtual courses.

~~2.—~~

- ~~2.~~ Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

~~3.—~~

- ~~3.~~ Are veterans who entered the military service of the ~~United States~~U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

~~4.—~~

- ~~4.~~ Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

## Honorary Diplomas

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

~~1.~~

~~1.~~ An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district

~~2.~~

~~2.~~ A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district.

### ~~Certificates of Completion~~

~~Any Special Education student who completes a course of study as prescribed in the Individual Education Plan (but whose IEP Team determines s/he is unable to meet AUSD graduation requirements because of disability) will receive an AUSD Certificate of Completion and may participate in commencement exercise. (Education Code 51225.5) (Education Code 51225.5)~~

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of discrimination
Ed. Code 47612	Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51224	Skills and knowledge required for adult life



Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.9	Courses of study, grades 7 to 12; career technical education
Ed. Code 51226.7	Model curriculum in ethnic studies
Ed. Code 51228	Course of study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51744-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard
<b>Management Resources</b>	<b>Description</b>
Court Decision	O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, High School</a>

Website [University of California, List of Approved A-G Courses](#)

Website [CSBA](#)

## Cross References

Code	Description
0460	<u>Local Control And Accountability Plan</u> Local Control And Accountability Plan
0460	<u>Local Control And Accountability Plan</u> Local Control And Accountability Plan
<del>0470</del> <u>1312.3</u>	<u>Uniform Complaint Procedures</u> COVID-19 Mitigation Plan
1312.3	<u>Uniform Complaint Procedures</u> Uniform Complaint Procedures
1312.3-E PDF(1)	<u>Uniform Complaint Procedures</u> Uniform Complaint Procedures
<del>1312.3</del> <u>4112.2</u>	<u>Certification</u> Uniform Complaint Procedures
<del>4112.2</del> <u>1312.3</u>	<u>Certification</u> Uniform Complaint Procedures
<del>5113</del> <u>4112.2</u>	<u>Work Permits</u> Certification
<del>5113</del> <u>4112.2</u>	<u>Work Permits</u> Certification
<del>5113.2</del> <u>5126</u>	<u>Awards For Achievement</u> Work Permits
<del>5113.2</del> <u>5126</u>	<u>Awards For Achievement</u> Work Permits
<del>5126</del> <u>5127</u>	<u>Graduation Ceremonies And Activities</u> Awards For Achievement
<del>5126</del> <u>5145.6</u>	<u>Parent/Guardian Notifications</u> Awards For Achievement
<del>5127</del> <u>5145.6</u> -E PDF(1)	<u>Parent/Guardian Notifications</u> Graduation Ceremonies And Activities
<del>5145.6</del> <u>5147</u>	<u>Dropout Prevention</u> Parent/Guardian Notifications
<del>5145.6</del> <u>6000</u>	<u>Concepts And Roles</u> Parent/Guardian Notifications
<del>5147</del> <u>6011</u>	<u>Academic Standards</u> Dropout Prevention
<del>6000</del> <u>6141</u>	<u>Curriculum Development And Evaluation</u> Concepts And Roles
<del>6011</del> <u>6141</u>	<u>Curriculum Development And Evaluation</u> Academic Standards
<del>6141</del> <u>6142.1</u>	<u>Sexual Health And HIV/AIDS Prevention</u> InstructionCurriculum Development And Evaluation
<del>6141</del> <u>6142.1</u>	<u>Sexual Health And HIV/AIDS Prevention</u> InstructionCurriculum Development And Evaluation
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Role Of The BoardRole Of The Board

**Policy 6146.1: High School Graduation Requirements**

**Status: ADOPTED**

**Original Adopted Date:** 06/12/2012 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3. Unless exempted as provided in "Exemptions from District-Adopted Graduation Requirements," district students shall also complete other course requirements adopted by the Board. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

**Pathway Support**

Alameda Unified School District is to support 9<sup>th</sup> – 12<sup>th</sup> grade students understand the multiple pathways to earning high school credit toward graduation along with the necessary classes that need to be taken in order to achieve A-G readiness. Students' will be given multiple opportunities to engage with staff to learn about opportunities that exist outside the traditional high school such as concurrent enrollment at the Peralta colleges or alternative programs to help plan their own path to college and career.

**Course Requirements**

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Four courses in English (Education Code 51225.3)
2. Two courses in Mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

3. Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)
4. Two courses in science (including a year each in both biological and physical lab sciences that are UC approved "d" requirements).

Students shall be counseled that foundational science requirements for state public college admission include completion of 1) Biology and 2) Chemistry or Physics. Students shall be counseled that these two years of laboratory science are required for UC-CSU admission but that three years of lab science are recommended. This graduation requirement takes

effect for AUSD students graduating in 2020 and thereafter. (Education Code 51225.3)

5. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)
6. One course in visual or performing arts, world language, or career technical education (CTE). For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

7. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)
8. One course in Navigating Life (one semester)
9. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

The normal course load for students is six courses per semester.

- a. Each student must complete a total of 220 credits for graduation.
- b. Each student shall complete a total of 20 hours of community service work during the 10th, 11th, and/or 12th grades.

Only passing grades of "D" or above will be used to establish credit. Class standing will be based upon the individual accumulation of credit as follows:

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

### **Exemptions from District-Adopted Graduation Requirements**

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

In addition, a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a



newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it.

The Superintendent or designee shall not require or request a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

If a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

### **Continuation High School Graduation Requirements**

The following requirements are specific to AUSD's Continuation High School program. Students who return to a comprehensive or other non-continuation program will be required to complete the standard AUSD graduation requirements outlined in BP 6146.1.

### **Course Requirements**

To obtain a diploma of graduation from the district's continuation high school, AUSD students shall complete at least the following courses in grades 9-12, with each course being an equivalent of one year unless otherwise specified (Education Code 51225.3):

1. Three courses in English. (Education Code 51225.3)
2. Two courses in Mathematics, one which must be Algebra I. A student who completes coursework in grades 7 through 12 that meets or exceeds state academic content standards for Algebra I in less than two courses shall be considered to have met the requirement for Algebra I. Completion, prior to grade 9, of Algebra coursework that meets or exceeds state academic content standards shall not exempt a student from the requirement to complete two mathematics courses<sup>173</sup>

in grades 9-1 (Education Code 51224.5 and 51225.3)

3. Two courses in Laboratory Sciences (including a year each in both biological and physical lab sciences). Students shall be counseled that foundational science requirements for state public college admission include completion of 1) Biology and 2) Chemistry or Physics. Students shall be counseled that two years of approved laboratory science are required for UC-CSU admission but that three years of lab science are recommended. (Education Code 51225.3)
4. Four courses in Social Studies, including United States History and Geography; World History, culture, and geography; a one semester course in Economics; a one-semester course in American Government and Civics; and a one-semester course in Ethnic Studies. (Education Code 51225 .3)
5. One course in Visual and Performing Arts and one course in World Language. For purposes of this requirement, American Sign Language shall qualify as a world language (Education Code 51223). Students may substitute a course in Career Technical Education for one of these required courses (Assembly Bill 1330). Students shall be counseled that one year of visual and performing arts and two years of world language are required for UC-CSU admission but three years of a world language are recommended for UC-CSU admission. This graduation requirement takes effect for students graduating in 2016 and thereafter.
6. Two courses in Physical Education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3). Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.
7. One course in Navigating Life (one semester).

The Superintendent or designee shall exempt or waive specific course requirements for foster youth or children of military families in accordance with Education Code 51225.3 and 49701.

1. Each student must complete a total of 200 credits for graduation.
2. Each student must attain a cumulative Grade Point Average (GPA) of not less than 1.75.
3. Each student shall complete a total of 20 hours of community service work during the 10th, 11th, and/or 12th grade(s).
4. Each student must complete at least two (2) of the following community college experiences:
  - a. Meet with a community college counselor
  - b. Complete a community college course
  - c. Create a community college online account
  - d. Participate in an official tour of a community college campus
5. Each student must complete all of the following as part of a career planning course or portfolio:
  - a. Resume
  - b. Cover Letter

### c. Career Interest Survey/Inventory

Only passing grades of "D" or above will be used to establish credit. Class standing will be based upon the individual accumulation of credit as follows:

Because the prescribed course of study may not accommodate needs of some students, the Board shall provide alternative means for the completion of prescribed course in accordance with law.

#### **Additional Opportunities to Complete Required Coursework**

The Superintendent or designee shall provide a student who was enrolled in the third or fourth year of high school during the 2020-21 school year and is not on track to graduate in the 2020-21 or 2021-22 school years the opportunity to complete the statewide coursework required for graduation, which may include, but is not limited to, completion of the coursework through a fifth year of instruction, credit recovery, or other opportunity to complete the required coursework. (Education Code 51225)

#### **Retroactive Diplomas**

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

In addition, the district may retroactively grant high school diplomas to former students who:— (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the U.S. or through online or virtual courses.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school
4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.

## **Honorary Diplomas**

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district.
2. A student who is terminally ill.

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district.

## **Certificates of Completion**

Any Special Education student who completes a course of study as prescribed in the Individual Education Plan (but whose IEP Team determines s/he is unable to meet AUSD graduation requirements because of disability) will receive an AUSD Certificate of Completion and may participate in commencement exercise. (Education Code 51225.5)

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of discrimination
Ed. Code 47612	Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48980	Parent/Guardian notifications

Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.9	Courses of study, grades 7 to 12; career technical education
Ed. Code 51226.7	Model curriculum in ethnic studies
Ed. Code 51228	Course of study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51744-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard

**Management Resources**  
Court Decision

### **Description**

O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, High School</a>
Website	<a href="#">University of California, List of Approved A-G Courses</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0460	<a href="#">Local Control And Accountability Plan</a> Local Control And Accountability Plan
0460	<a href="#">Local Control And Accountability Plan</a> Local Control And Accountability Plan
<del>0470</del> <del>1312.3</del>	<a href="#">Uniform Complaint Procedures</a> COVID-19 Mitigation Plan
1312.3	<a href="#">Uniform Complaint Procedures</a> Uniform Complaint Procedures
1312.3- <del>E PDF</del> (1)	<a href="#">Uniform Complaint Procedures</a> Uniform Complaint Procedures
<del>1312.3</del> <del>4112.2</del>	<a href="#">Certification</a> Uniform Complaint Procedures
<del>4112.2</del> <del>1312.3</del>	<a href="#">Certification</a> Uniform Complaint Procedures
<del>5113</del> <del>4112.2</del>	<a href="#">Work Permits</a> Certification
<del>5113</del> <del>4112.2</del>	<a href="#">Work Permits</a> Certification
<del>5113.2</del> <del>5126</del>	<a href="#">Awards For Achievement</a> Work Permits
<del>5113.2</del> <del>5126</del>	<a href="#">Awards For Achievement</a> Work Permits
<del>5126</del> <del>5127</del>	<a href="#">Graduation Ceremonies And Activities</a> Awards For Achievement
<del>5126</del> <del>5145.6</del>	<a href="#">Parent/Guardian Notifications</a> Awards For Achievement
<del>5127</del> <del>5145.6</del> - <del>E PDF</del> (1)	<a href="#">Parent/Guardian Notifications</a> Graduation Ceremonies And Activities
<del>5145.6</del> <del>5147</del>	<a href="#">Dropout Prevention</a> Parent/Guardian Notifications
<del>5145.6</del> <del>6000</del>	<a href="#">Concepts And Roles</a> Parent/Guardian Notifications
<del>5147</del> <del>6011</del>	<a href="#">Academic Standards</a> Dropout Prevention
<del>6000</del> <del>6141</del>	<a href="#">Curriculum Development And Evaluation</a> Concepts And Roles
<del>6011</del> <del>6141</del>	<a href="#">Curriculum Development And Evaluation</a> Academic Standards
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6146. <del>2</del> <u>11</u>	<u>Certificate Of Proficiency/High School</u> <u>Equivalency</u> <u>Alternative Credits Toward Graduation</u>
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6146.2- <del>E</del> PDF(1)	<u>Certificate Of Proficiency/High School</u> <u>Equivalency</u> <u>Certificate Of Proficiency/High School</u> <u>Equivalency</u>
6146. <del>3</del> <u>2</u>	<u>Reciprocity Of Academic Credit</u> <u>Certificate Of</u> <u>Proficiency/High School</u> <u>Equivalency</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic</u> <u>Credit</u>
6146. <del>4</del> <u>3</u>	<u>Differential Graduation And Competency Standards For</u> <u>Students With Disabilities</u> <u>Reciprocity Of Academic Credit</u>
<del>6151</del> <u>6146.4</u>	<u>Class Size</u> <u>Differential Graduation And Competency Standards</u> <u>For Students With Disabilities</u>
6151	<u>Class Size</u> <u>Class Size</u>
6152.1	<u>Placement In Mathematics Courses</u> <u>Placement In</u> <u>Mathematics Courses</u>
6152.1	<u>Placement In Mathematics Courses</u> <u>Placement In</u> <u>Mathematics Courses</u>
6155	<u>Challenging Courses By Examination</u> <u>Challenging Courses By</u> <u>Examination</u>
6155	<u>Challenging Courses By Examination</u> <u>Challenging Courses By</u> <u>Examination</u>
6158	<u>Independent Study</u> <u>Independent Study</u>
6158	<u>Independent Study</u> <u>Independent Study</u>
6159	<u>Individualized Education Program</u> <u>Individualized Education</u> <u>Program</u>
6159	<u>Individualized Education Program</u> <u>Individualized Education</u> <u>Program</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For</u> <u>Special Education</u> <u>Nonpublic, Nonsectarian School And</u> <u>Agency Services For Special Education</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For</u> <u>Special Education</u> <u>Nonpublic, Nonsectarian School And</u> <u>Agency Services For Special Education</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection</u> <u>And Evaluation Of Instructional Materials</u>



6161.1	<del>Selection And Evaluation Of Instructional Materials</del> Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	<del>Selection And Evaluation Of Instructional Materials</del> Selection And Evaluation Of Instructional Materials
6162.5	<del>Student Assessment</del> Student Assessment
6172.1	<del>Concurrent Enrollment In College Classes</del> Concurrent Enrollment In College Classes
6172.1	<del>Concurrent Enrollment In College Classes</del> Concurrent Enrollment In College Classes
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173-E PDF(1)	<del>Education For Homeless Children</del> Education For Homeless Children
6173.1	<del>Education For Foster Youth</del> Education For Homeless Children
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6173.21	<del>Education Of Children Of Military Families</del> Education For Foster Youth
<del>6173.2</del> 6175	<del>Migrant Education Program</del> Education Of Children Of Military Families
<del>6173.2</del> 6175	<del>Migrant Education Program</del> Education Of Children Of Military Families
<del>6173.3</del> 6176	<del>Weekend/Saturday Classes</del> Education For Juvenile Court School Students
<del>6175</del> 6176	<del>Weekend/Saturday Classes</del> Migrant Education Program
<del>6175</del> 6177	<del>Summer Learning Programs</del> Migrant Education Program
<del>6176</del> 6178	<del>Career Technical Education</del> Weekend/Saturday Classes
<del>6177</del> 6178	<del>Career Technical Education</del> Summer Learning Programs
6178.1	<del>Career Technical Education</del> Work-Based Learning
6178.1	<del>Career Technical Education</del> Work-Based Learning
6178.21	<del>Regional Occupational Center/Program</del> Work-Based Learning
<del>6178.1</del> 6179	<del>Supplemental Instruction</del> Work-Based Learning
<del>6179</del> 6178.2	<del>Supplemental Instruction</del> Regional Occupational Center/Program
<del>6179</del> 6181	<del>Alternative Schools/Programs Of Choice</del> Supplemental Instruction

6181	<del>Alternative Schools/Programs Of Choice</del> <del>Alternative Schools/Programs Of Choice</del>
<del>6181</del> 6184	<del>Continuation Education</del> <del>Alternative Schools/Programs Of Choice</del>
6184	<del>Continuation Education</del> Continuation Education
<del>6184</del> 6200	<del>Adult Education</del> Continuation Education
6200	<del>Adult Education</del> Adult Education
6200-E PDF(1)	<del>Adult Education</del> Adult Education
9000	<del>Role Of The Board</del> Role Of The Board

**Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities**

**Status: ADOPTED**

Original Adopted Date: 03/09/201011/01/1999 | Last Revised Date: 06/01/2023 | Last Reviewed Date: 03/09/201006/01/2023

The Governing Board of Education recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individual individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

**Exemption from District-Established Graduation Requirements**

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 - High School Graduation Requirements. However, a student with a disability may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following requirements: (Education Code 51225.31).

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Prior to the beginning of grade 10, the IEP team for each student with a disability shall determine whether the student is eligible for the exemption, and if so, notify the student's parent/guardian of the exemption. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

**Certificate of Educational Achievement or Completion**

Instead of a high school diploma, a student with disabilities a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the ~~Board of Education~~board of the district in which the student attended school or the district with jurisdiction over the student as identified in ~~his/her~~the student's IEP
2. Satisfactorily met ~~his/her~~the student's IEP goals and objectives during high school as determined by the IEP team;
3. Satisfactorily attended high school, participated in the instruction as prescribed in ~~his/her~~the student's IEP, and met the objectives of the statement of transition services

A student with ~~disabilities~~a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 3070	Graduation
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 56341	Individualized education program team
Ed. Code 56345	Individualized education program contents
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.320	Definition of IEP
<b>Management Resources</b>	<b>Description</b>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Education, Office of Special Education and Rehabilitative Services</a>
Website	<a href="#">California Department of Education</a>

#### Cross References

<b>Code</b>	<b>Description</b>
0430	<del>Comprehensive Local Plan For Special Education</del> Comprehensive Local Plan For Special Education

0430	<del>Comprehensive Local Plan For Special Education</del> Comprehensive Local Plan For Special Education
5127	<del>Graduation Ceremonies And Activities</del> Graduation Ceremonies And Activities
6146.1	<del>High School Graduation Requirements</del> High School Graduation Requirements
6146.3	<del>Reciprocity Of Academic Credit</del> Reciprocity Of Academic Credit
6146.3	<del>Reciprocity Of Academic Credit</del> Reciprocity Of Academic Credit
6159	<del>Individualized Education Program</del> Individualized Education Program
6159	<del>Individualized Education Program</del> Individualized Education Program
6159.1	<del>Procedural Safeguards And Complaints For Special Education</del> Procedural Safeguards And Complaints For Special Education
6159.1	<del>Procedural Safeguards And Complaints For Special Education</del> Procedural Safeguards And Complaints For Special Education
6159.2	<del>Nonpublic, Nonsectarian School And Agency Services For Special Education</del> Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	<del>Nonpublic, Nonsectarian School And Agency Services For Special Education</del> Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	<del>Appointment Of Surrogate Parent For Special Education Students</del> Appointment Of Surrogate Parent For Special Education Students
6159.3	<del>Appointment Of Surrogate Parent For Special Education Students</del> Appointment Of Surrogate Parent For Special Education Students
6162.51	<del>State Academic Achievement Tests</del> State Academic Achievement Tests
6162.51	<del>State Academic Achievement Tests</del> State Academic Achievement Tests
6164.4	<del>Identification And Evaluation Of Individuals For Special Education</del> Identification And Evaluation Of Individuals For Special Education
6164.4	<del>Identification And Evaluation Of Individuals For Special Education</del> Identification And Evaluation Of Individuals For Special Education

6200

~~Adult Education~~Adult Education

6200

~~Adult Education~~Adult Education

~~6200-E PDF(1)~~

~~Adult Education~~

**Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities**

**Status: ADOPTED**

**Original Adopted Date:** 03/09/2010 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

**Exemption from District-Established Graduation Requirements**

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 - High School Graduation Requirements. However, a student with a disability may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following requirements: (Education Code 51225.31).

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Prior to the beginning of grade 10, the IEP team for each student with a disability shall determine whether the student is eligible for the exemption, and if so, notify the student's parent/guardian of the exemption. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

**Certificate of Educational Achievement or Completion**

Instead of a high school diploma, a student with a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in the student's IEP
2. Satisfactorily met the student's IEP goals and objectives during high school as determined by the IEP team

3. Satisfactorily attended high school, participated in the instruction as prescribed in the student's IEP, and met the objectives of the statement of transition services

A student with a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 3070	Graduation
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation exemption for students with disabilities
Ed. Code 56341	Individualized education program team
Ed. Code 56345	Individualized education program contents
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.320	Definition of IEP
<b>Management Resources</b>	<b>Description</b>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Education, Office of Special Education and Rehabilitative Services</a>
Website	<a href="#">California Department of Education</a>

**Cross References**

<b>Code</b>	<b>Description</b>
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
5127	Graduation Ceremonies And Activities
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program



6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6200	Adult Education
6200	Adult Education

**Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education**

**Status: ADOPTED**

**Original Adopted Date:** ~~08/25/2009~~06/01/1995 | **Last Revised Date:** ~~05/11/2021~~06/01/2023 |  
**Last Reviewed Date:** ~~05/11/2021~~06/01/2023

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.

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 with a disability shall be referred to, or 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)

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— pursuant to the contract. (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.

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 ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

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)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest
Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school
Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court
<b>Federal</b>	<b>Description</b>
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools
<b>Management Resources</b>	<b>Description</b>
Court Decision	Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997
US Dept of Ed Office for Civil Rights Settlement	<a href="#">Department of Education, Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

Website [U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)

Website [California Department of Education](#)

## Cross References

Code	Description
0430	<del>Comprehensive Local Plan For Special Education</del> <a href="#">Comprehensive Local Plan For Special Education</a>
0430	<del>Comprehensive Local Plan For Special Education</del> <a href="#">Comprehensive Local Plan For Special Education</a>
0500	<del>Accountability</del> <a href="#">Accountability</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
<del>1312.3</del>	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1431	<del>Waivers</del> <a href="#">Waivers</a>
3541.2	<del>Transportation For Students With Disabilities</del> <a href="#">Transportation For Students With Disabilities</a>
<del>3541.2</del>	<del>Transportation For Students With Disabilities</del> <a href="#">Transportation For Students With Disabilities</a>
3580	<del>District Records</del> <a href="#">District Records</a>
3580	<del>District Records</del> <a href="#">District Records</a>
4112.23	<del>Special Education Staff</del> <a href="#">Special Education Staff</a>
5125	<del>Student Records</del> <a href="#">Student Records</a>
5125	<del>Student Records</del> <a href="#">Student Records</a>
6146.1	<del>High School Graduation Requirements</del> <a href="#">High School Graduation Requirements</a>
6146.3	<del>Reciprocity Of Academic Credit</del> <a href="#">Reciprocity Of Academic Credit</a>
6146.3	<del>Reciprocity Of Academic Credit</del> <a href="#">Reciprocity Of Academic Credit</a>
6146.4	<del>Differential Graduation And Competency Standards For Students With Disabilities</del> <a href="#">Differential Graduation And Competency Standards For Students With Disabilities</a>
6159	<del>Individualized Education Program</del> <a href="#">Individualized Education Program</a>
6159	<del>Individualized Education Program</del> <a href="#">Individualized Education Program</a>

6159.1	<del>Procedural Safeguards And Complaints For Special Education</del> <u>Procedural Safeguards And Complaints For Special Education</u>
6159.1	<del>Procedural Safeguards And Complaints For Special Education</del> <u>Procedural Safeguards And Complaints For Special Education</u>
6159.3	<del>Appointment Of Surrogate Parent For Special Education Students</del> <u>Appointment Of Surrogate Parent For Special Education Students</u>
6159.3	<del>Appointment Of Surrogate Parent For Special Education Students</del> <u>Appointment Of Surrogate Parent For Special Education Students</u>
6162.51	<del>State Academic Achievement Tests</del> <u>State Academic Achievement Tests</u>
6162.51	<del>State Academic Achievement Tests</del> <u>State Academic Achievement Tests</u>
6164.4	<del>Identification And Evaluation Of Individuals For Special Education</del> <u>Identification And Evaluation Of Individuals For Special Education</u>
6164.4	<del>Identification And Evaluation Of Individuals For Special Education</del> <u>Identification And Evaluation Of Individuals For Special Education</u>
6173.1	<del>Education For Foster Youth</del> <u>Education For Foster Youth</u>
6173.1	<del>Education For Foster Youth</del> <u>Education For Foster Youth</u>
6173.2	<del>Education Of Children Of Military Families</del> <u>Education Of Children Of Military Families</u>
<u>6173.2</u>	<u>Education Of Children Of Military Families</u>

**Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

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.

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 with a disability shall be referred to, or placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that the placement is appropriate for the student. (Education Code 56342.1)

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 pursuant to the contract. (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.

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 ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

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)

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency
Ed. Code 56042	Placement not to be recommended by attorney or advocate with conflict of interest
Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school
Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court
<b>Federal</b>	<b>Description</b>
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools
<b>Management Resources</b>	<b>Description</b>
Court Decision	Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997
US Dept of Ed Office for Civil Rights Settlement	<a href="#">Department of Education, Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Education, Office of Special Education and Rehabilitative Services</a>
Website	<a href="#">California Department of Education</a>

## Cross References

0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth



6173.2

Education Of Children Of Military Families

6173.2

Education Of Children Of Military Families

## Policy 6173: Education For Homeless Children

**Status: ADOPTED**

**Original Adopted Date:** ~~09/13~~07/01/2005 | **Last Revised Date:** ~~10/11/2022~~03/01/2023 | **Last Reviewed Date:** ~~10/11/2022~~03/01/2023

The Governing Board believes that the identification of ~~homeless~~ students experiencing homelessness is critical to improving the educational outcomes of such students and ensuring that ~~homeless~~ students experiencing homelessness have access to the same free and appropriate public education provided to other students within the district. The district shall provide ~~homeless~~ students experiencing homelessness with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

When there are at least 15 ~~homeless~~ students experiencing homelessness in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of ~~homeless~~ students experiencing homelessness. (Education Code 52052, 52060, 52064)

The Superintendent or designee shall ~~regularly~~ review district policies at least once every three years and recommend updates ~~to district policies~~ to ensure removal of any barriers to the education of homeless students and unaccompanied youth. Any such review shall address identification, enrollment, and retention of such students, including those barriers that are due to absences or outstanding fees or fines. ~~— (Education Code 48851.3, 42 USC 11432)~~

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison for homeless students shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting ~~homeless~~ students experiencing homelessness to succeed in school, and as specified in Education Code 48851.3 related to trainings for district staff providing assistance to students experiencing homelessness.

The Superintendent or designee shall ensure that each district school identifies all ~~homeless children and youths~~ students experiencing homelessness and unaccompanied youths enrolled at the school. ~~— (Education Code 48851)~~

To ensure easy identification of ~~homeless~~ students experiencing homelessness, the Superintendent or designee shall annually provide and administer a housing questionnaire developed by the California Department of Education (CDE) to all parents/guardians of students and all unaccompanied youths. ~~— (Education Code 48851)~~

If the primary language of a ~~student's~~ student's parent/guardian or an unaccompanied youth is not English, either the housing questionnaire shall be made available in the primary language of the ~~student's~~ student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985, or an appropriate translation of the housing questionnaire shall be provided upon request of a ~~student's~~ student's parent/guardian or an unaccompanied youth. ~~— (Education Code 48851)~~<sup>98</sup>

The Superintendent or designee shall report to CDE the number of students experiencing homelessness, including unaccompanied youths, enrolled in the district as identified from the housing questionnaire described above. (Education Code 48851)

In addition, the Superintendent or designee shall ensure that the district liaison's contact information and other information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district and school web sites as specified in the accompanying administrative regulation. —(Education Code 48852.6)

The Superintendent or designee shall ensure that placement decisions for ~~homeless~~ students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

Each ~~homeless~~ student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

#### Homeless students

Students experiencing homelessness shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate ~~homeless~~ students experiencing homelessness on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet ~~the~~their unique needs ~~of homeless students~~. (42 USC 11432, 11433)

The Superintendent or designee shall ensure that information and/or materials for ~~homeless~~ students experiencing homelessness are provided in a manner and form understandable to the student's parents/guardians ~~of homeless students~~ and to unaccompanied youths.

Information about ~~a homeless student's~~ the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that ~~homeless children and youth~~ students experiencing homelessness are promptly identified, ensure that ~~homeless~~ students experiencing homelessness have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to ~~homeless children and youth~~ students experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records,

and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for ~~homeless~~ students experiencing homelessness and services for students with disabilities. (42 USC 11432)

At least annually, the district liaison and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of ~~homeless~~ students experiencing homelessness. Such professional development and technical assistance shall include, but are not limited to, training on the district's homeless education program policies, definitions of terms related to homelessness, ~~the recognition of~~ signs ~~of that students are experiencing or are at risk of experiencing~~ homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect ~~homeless~~ students experiencing homelessness with appropriate housing and service providers. ~~—~~ (Education Code 48851.3, 48852.5; 42 USC 11432)

~~The Superintendent or designee shall report to CDE the number of homeless children and youths and unaccompanied youths enrolled in the district as identified from the housing questionnaire described above. (Education Code 48851)~~

At least annually, the Superintendent or designee shall report to the Board on the identification of and outcomes for ~~homeless~~ students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to more effectively identify and support the education of ~~homeless students~~ students experiencing homelessness.

Annually, the Superintendent or designee shall report to CDE, in accordance with Education Code 51225.1, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48851	Identification of homeless children and youths and unaccompanied youths; housing questionnaire

Ed. Code 48851.3	Homeless education program policies; liaison responsibilities
Ed. Code 48851.5	Local educational agency liaison for homeless children and youths
Ed. Code 48852.3	Monitoring for compliance with chapter
Ed. Code 48852.5	Notice of educational rights of homeless students
Ed. Code 48852.6	Information regarding homelessness
Ed. Code 48852.7	Education of homeless students; immediate enrollment
Ed. Code 48859	Definitions
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51225.1-51225.3	Graduation requirements
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
<b>Federal</b>	<b>Description</b>
20 USC 1087vv	Free Application for Federal Student Aid; definitions
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311	State plan
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12705	Cranston-Gonzalez National Affordable Housing Act; state and local strategies
<b>Management Resources</b>	<b>Description</b>
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Department of Education Publication	Federal Program Monitoring Instrument
California Department of Education Publication	Homeless Education Dispute Resolution Process, March 2020
National Center for Homeless Education Publication	Homeless Liaison Toolkit, 2020
U.S. Department of Education Guidance	Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California State University</a>
Website	<a href="#">University of California</a>

Website	<a href="#">California Department of Education, Homeless Children and Youth Education</a>
Website	<a href="#">National Center for Homeless Education at SERVE</a>
Website	<a href="#">National Homelessness Law Center</a>
Website	<a href="#">U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities</a>
Website	<a href="#">California Community Colleges</a>
Website	<a href="#">California Interscholastic Federation</a>
Website	<a href="#">California Child Welfare Council</a>

## Cross References

Code	Description
0410	<del>Nondiscrimination In District Programs And Activities</del> <a href="#">Nondiscrimination In District Programs And Activities</a>
0415	<del>Equity</del> <a href="#">Equity</a>
<del>0415</del>	<del>Equity</del> <a href="#">Equity</a>
0460	<del>Local Control And Accountability Plan</del> <a href="#">Local Control And Accountability Plan</a>
0460	<del>Local Control And Accountability Plan</del> <a href="#">Local Control And Accountability Plan</a>
<del>0470</del>	<del>COVID-19 Mitigation Plan</del> <a href="#">COVID-19 Mitigation Plan</a>
0500	<del>Accountability</del> <a href="#">Accountability</a>
1113	<del>District And School Web Sites</del> <a href="#">District And School Web Sites</a>
1113	<del>District And School Web Sites</del> <a href="#">District And School Web Sites</a>
1113- <del>E-PDF(1)</del>	<del>District And School Web Sites</del> <a href="#">District And School Web Sites</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1312.3- <del>E-PDF(1)</del>	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
<del>1312.3</del>	<del>Uniform Complaint Procedures</del> <a href="#">Uniform Complaint Procedures</a>
1400	<del>Relations Between Other Governmental Agencies And The Schools</del> <a href="#">Relations Between Other Governmental Agencies And The Schools</a>
3250	<del>Transportation Fees</del> <a href="#">Transportation Fees</a>

3250	<del>Transportation Fees</del> Transportation Fees
3260	<del>Fees And Charges</del> Fees And Charges
3260	<del>Fees And Charges</del> Fees And Charges
3515.4	<del>Recovery For Property Loss Or Damage</del> Recovery For Property Loss Or Damage
3515.4	<del>Recovery For Property Loss Or Damage</del> Recovery For Property Loss Or Damage
3541	<del>Transportation Routes And Services</del> Transportation Routes And Services
3550	<del>Food Service/Child Nutrition Program</del> Food Service/Child Nutrition Program
3550	<del>Food Service/Child Nutrition Program</del> Food Service/Child Nutrition Program
3553	<del>Free And Reduced Price Meals</del> Free And Reduced Price Meals
3553	<del>Free And Reduced Price Meals</del> Free And Reduced Price Meals
4112.9	<del>Employee Notifications</del> Employee Notifications
4112.9	<del>Employee Notifications</del> Employee Notifications
<del>4112.9-E PDF(1)</del>	<del>Employee Notifications</del>
4131	<del>Staff Development</del> Staff Development
<del>4131</del>	<del>Staff Development</del>
4212.9	<del>Employee Notifications</del> Employee Notifications
4212.9	<del>Employee Notifications</del> Employee Notifications
<del>4212.9-E PDF(1)</del>	<del>Employee Notifications</del>
4231	<del>Staff Development</del> Staff Development
<del>4231</del>	<del>Staff Development</del>
4312.9	<del>Employee Notifications</del> Employee Notifications
4312.9	<del>Employee Notifications</del> Employee Notifications
<del>4312.9-E PDF(1)</del>	<del>Employee Notifications</del>
4331	<del>Staff Development</del> Staff Development
<del>4331</del>	<del>Staff Development</del>
5111	<del>Admission</del> Admission
5111	<del>Admission</del> Admission
5111.1	<del>District Residency</del> District Residency
5111.1	<del>District Residency</del> District Residency
5113.1	<del>Chronic Absence And Truancy</del> Chronic Absence And Truancy

5113.1	<del>Chronic Absence And Truancy</del> Chronic Absence And Truancy
5113.11	<del>Attendance Supervision</del> Attendance Supervision
5125	<del>Student Records</del> Student Records
5125	<del>Student Records</del> Student Records
5125.1	<del>Release Of Directory Information</del> Release Of Directory Information
5125.1	<del>Release Of Directory Information</del> Release Of Directory Information
5125.1-E PDF(1)	<del>Release Of Directory Information</del> Release Of Directory Information
5125.2	<del>Withholding Grades, Diploma Or Transcripts</del> Withholding Grades, Diploma Or Transcripts
5132	<del>Dress And Grooming</del> Dress And Grooming
5132	<del>Dress And Grooming</del> Dress And Grooming
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.26	<del>Tuberculosis Testing</del> Tuberculosis Testing
<del>5141.26</del>	<del>Tuberculosis Testing</del>
5141.31	<del>Immunizations</del> Immunizations
5141.31	<del>Immunizations</del> Immunizations
5141.32	<del>Health Screening For School Entry</del> Health Screening For School Entry
5141.6	<del>School Health Services</del> School Health Services
5141.6	<del>School Health Services</del> School Health Services
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process
5144.2	<del>Suspension And Expulsion/Due Process (Students With Disabilities)</del> Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	<del>Parent/Guardian Notifications</del> Parent/Guardian Notifications
5145.6-E PDF(1)	<del>Parent/Guardian Notifications</del> Parent/Guardian Notifications
5148.2	<del>Before/After School Programs</del> Before/After School Programs
5148.2	<del>Before/After School Programs</del> Before/After School Programs



5148.3	<u>Preschool/Early Childhood Education</u> <u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u> <u>Preschool/Early Childhood Education</u>
6011	<u>Academic Standards</u> <u>Academic Standards</u>
6120	<u>Response To Instruction And Intervention</u> <u>Response To Instruction And Intervention</u>
6143	<u>Courses Of Study</u> <u>Courses Of Study</u>
6143	<u>Courses Of Study</u> <u>Courses Of Study</u>
6145	<u>Extracurricular And Cocurricular Activities</u> <u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u> <u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u> <u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u> <u>Athletic Competition</u>
6146.1	<u>High School Graduation Requirements</u> <u>High School Graduation Requirements</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic Credit</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic Credit</u>
6159	<u>Individualized Education Program</u> <u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u> <u>Individualized Education Program</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u> <u>Procedural Safeguards And Complaints For Special Education</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u> <u>Procedural Safeguards And Complaints For Special Education</u>
6159.3	<u>Appointment Of Surrogate Parent For Special Education Students</u> <u>Appointment Of Surrogate Parent For Special Education Students</u>
6159.3	<u>Appointment Of Surrogate Parent For Special Education Students</u> <u>Appointment Of Surrogate Parent For Special Education Students</u>
6162.51	<u>State Academic Achievement Tests</u> <u>State Academic Achievement Tests</u>

6162.51	<del>State Academic Achievement Tests</del> State Academic Achievement Tests
6164.2	<del>Guidance/Counseling Services</del> Guidance/Counseling Services
<del>6164.2</del>	<del>Guidance/Counseling Services</del>
6164.5	<del>Student Success Teams</del> Student Success Teams
6164.5	<del>Student Success Teams</del> Student Success Teams
6171	<del>Title I Programs</del> Title I Programs
6171	<del>Title I Programs</del> Title I Programs
<del>6172</del>	<del>Gifted And Talented Student Program</del>
<del>6172</del>	<del>Gifted And Talented Student Program</del>
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6174	<del>Education For English Learners</del> Education For English Learners
6174	<del>Education For English Learners</del> Education For English Learners
<del>6174-E PDF(1)</del>	<del>Education For English Learners</del>
6177	<del>Summer Learning Programs</del> Summer Learning Programs
6178	<del>Career Technical Education</del> Career Technical Education
6178	<del>Career Technical Education</del> Career Technical Education
6179	<del>Supplemental Instruction</del> Supplemental Instruction
<del>6179</del>	<del>Supplemental Instruction</del>
6190	<del>Evaluation Of The Instructional Program</del> Evaluation Of The Instructional Program

**Policy 6173: Education For Homeless Children**

**Status: ADOPTED**

**Original Adopted Date:** 09/13/2005 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board believes that the identification of students experiencing homelessness is critical to improving the educational outcomes of such students and ensuring that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the district. The district shall provide students experiencing homelessness with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

When there are at least 15 students experiencing homelessness in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of students experiencing homelessness. (Education Code 52052, 52060, 52064)

The Superintendent or designee shall review district policies at least once every three years and recommend updates to ensure removal of any barriers to the education of homeless students and unaccompanied youth. Any such review shall address identification, enrollment, and retention of such students, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3, 42 USC 11432)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison for homeless students shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting students experiencing homelessness to succeed in school, and as specified in Education Code 48851.3 related to trainings for district staff providing assistance to students experiencing homelessness.

The Superintendent or designee shall ensure that each district school identifies all students experiencing homelessness and unaccompanied youths enrolled at the school. (Education Code 48851)

To ensure easy identification of students experiencing homelessness, the Superintendent or designee shall annually provide and administer a housing questionnaire developed by the California Department of Education (CDE) to all parents/guardians of students and all unaccompanied youths. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, either the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985, or an appropriate translation of the housing questionnaire shall be provided upon request of a student's parent/guardian or an unaccompanied youth. (Education Code 48851)

The Superintendent or designee shall report to CDE the number of students experiencing homelessness, including unaccompanied youths, enrolled in the district as identified from the housing questionnaire described above. (Education Code 48851)

In addition, the Superintendent or designee shall ensure that the district liaison's contact information and other information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district and school web sites as specified in the accompanying administrative regulation. (Education Code 48852.6)

The Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

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Information about the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act, shall not be deemed to be directory information as defined in 20 USC 1232g, and shall not be released without written consent. (42 USC 11432)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that students experiencing homelessness are promptly identified, ensure that students experiencing homelessness have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for students experiencing homelessness and services for students with disabilities. (42 USC 11432)

At least annually, the district liaison and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of students experiencing homelessness. Such professional development and technical assistance shall include, but are not limited to, training on the district's homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a<sup>208</sup>

potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers. (Education Code 48851.3, 48852.5; 42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on the identification of and outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to more effectively identify and support the education of students experiencing homelessness.

Annually, the Superintendent or designee shall report to CDE, in accordance with Education Code 51225.1, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

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Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51225.1-51225.3	Graduation requirements

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<b>Federal</b>	<b>Description</b>
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Website	<a href="#">California Community Colleges</a>
Website	<a href="#">California Interscholastic Federation</a>
Website	<a href="#">California Child Welfare Council</a>

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity

0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
0500	Accountability
1113	District And School Web Sites
1113	District And School Web Sites
1113	District And School Web Sites
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3541	Transportation Routes And Services
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4112.9	Employee Notifications
4112.9	Employee Notifications
4131	Staff Development
4212.9	Employee Notifications
4212.9	Employee Notifications
4231	Staff Development
4312.9	Employee Notifications
4312.9	Employee Notifications
4331	Staff Development

5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5132	Dress And Grooming
5132	Dress And Grooming
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6	Parent/Guardian Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education



6011	Academic Standards
6120	Response To Instruction And Intervention
6143	Courses Of Study
6143	Courses Of Study
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6178	Career Technical Education

6178	Career Technical Education
6179	Supplemental Instruction
6190	Evaluation Of The Instructional Program

Policy 6173.1: Education For Foster Youth

Status: ADOPTED

Original Adopted Date: 08/25/200903/01/2008 | Last Revised Date: 08/12/201403/01/2023  
| Last Reviewed Date: 08/12/201403/01/2023

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. ~~To enable such students to achieve state that may be addressed with the provision of a safe, positive learning environment that is free from discrimination and district academic standards, the harassment and that promotes students' self-esteem and academic achievement.~~

The Superintendent or designee shall provide ~~them~~foster youth with full access to the district's educational program and implement strategies ~~identified as~~ necessary for the improvement of the academic achievement of foster youth as identified in the district's local control and accountability plan (LCAP).

The Superintendent or designee shall also develop strategies to build a foster youth's feeling of connectedness with school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and as specified in the accompanying administrative regulation. ~~To that end, he/she the Superintendent or designee~~ shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.

~~The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build a foster youth's feeling of connectedness with his/her school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.~~

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

At least annually and in accordance with the established timelines, the Superintendent or designee shall report to the Board on the outcomes for foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the LCAP for improving or increasing services for foster youth.

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of foster youth graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 39807.5	Payment of transportation costs by parents/guardians; waiver for foster youth
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42920-42926	Foster children educational services
Ed. Code 48645-48647	Juvenile court schools
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 49061	Definitions; directory information
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records

Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
H&S Code 120341	Foster youth; school placement and immunization records
H&S Code 1522.41	Training and certification of group home administrators
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel
W&I Code 361	Limitations on parental control
W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court
W&I Code 726	Limitations on parental control
W&I Code 727	Order of care; ward of court
<b>Federal</b>	<b>Description</b>
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 670-679b	Federal assistance for foster care programs
<b>Management Resources</b>	<b>Description</b>
Alliance for Children's Rights Publication	Foster Youth Education Toolkit, December 2016
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Foster Youth Education Task Force Pub	California Foster Youth Education Law Fact Sheets, January 2021
Cities, Counties and Schools Partnership Pub.	Our Children: Emancipating Foster Youth, A Community Action Guide
CSBA Publication	Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication	Foster Youth: Supports for Success, Governance Brief, May 2016

U.S. Department of Education Publication	Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Alliance for Children's Rights</a>
Website	<a href="#">Foster Ed</a>
Website	<a href="#">National Center for Youth Law</a>
Website	<a href="#">California Department of Education, Foster Youth Services</a>
Website	<a href="#">California Department of Social Services, Foster Youth Ombudsman Office</a>
Website	<a href="#">California Foster Youth Education Task Force</a>
Website	<a href="#">California Youth Connection</a>
Website	<a href="#">Cities Counties and Schools Partnership</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Child Welfare Council</a>

## Cross References

Code	Description
0200	<del>Goals For The School District</del> Goals For The School District
0410	<del>Nondiscrimination In District Programs And Activities</del> Nondiscrimination In District Programs And Activities
0415	<del>Equity</del> Equity
<del>0415</del>	<del>Equity</del>
0450	<del>Comprehensive Safety Plan</del> Comprehensive Safety Plan
0450	<del>Comprehensive Safety Plan</del> Comprehensive Safety Plan
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
<del>0470</del>	<del>COVID-19 Mitigation Plan</del>
0500	<del>Accountability</del> Accountability
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
1312.3-E PDF(1)	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>

1400	<del>Relations Between Other Governmental Agencies And The Schools</del> <u>Relations Between Other Governmental Agencies And The Schools</u>
3100	<del>Budget</del> <u>Budget</u>
3100	<del>Budget</del> <u>Budget</u>
3250	<del>Transportation Fees</del> <u>Transportation Fees</u>
3250	<del>Transportation Fees</del> <u>Transportation Fees</u>
3260	<del>Fees And Charges</del> <u>Fees And Charges</u>
3260	<del>Fees And Charges</del> <u>Fees And Charges</u>
3515.4	<del>Recovery For Property Loss Or Damage</del> <u>Recovery For Property Loss Or Damage</u>
3515.4	<del>Recovery For Property Loss Or Damage</del> <u>Recovery For Property Loss Or Damage</u>
3540	<del>Transportation</del> <u>Transportation</u>
<del>3540</del>	<del>Transportation</del> <u>Transportation</u>
3541	<del>Transportation Routes And Services</del> <u>Transportation Routes And Services</u>
3553	<del>Free And Reduced Price Meals</del> <u>Free And Reduced Price Meals</u>
3553	<del>Free And Reduced Price Meals</del> <u>Free And Reduced Price Meals</u>
4131	<del>Staff Development</del> <u>Staff Development</u>
<del>4131</del>	<del>Staff Development</del> <u>Staff Development</u>
4231	<del>Staff Development</del> <u>Staff Development</u>
<del>4231</del>	<del>Staff Development</del> <u>Staff Development</u>
4331	<del>Staff Development</del> <u>Staff Development</u>
<del>4331</del>	<del>Staff Development</del> <u>Staff Development</u>
5111	<del>Admission</del> <u>Admission</u>
5111	<del>Admission</del> <u>Admission</u>
5111.1	<del>District Residency</del> <u>District Residency</u>
5111.1	<del>District Residency</del> <u>District Residency</u>
5113.1	<del>Chronic Absence And Truancy</del> <u>Chronic Absence And Truancy</u>
5113.1	<del>Chronic Absence And Truancy</del> <u>Chronic Absence And Truancy</u>
5113.11	<del>Attendance Supervision</del> <u>Attendance Supervision</u>
5116.1	<del>Intradistrict Open Enrollment</del> <u>Intradistrict Open Enrollment</u>
5116.1	<del>Intradistrict Open Enrollment</del> <u>Intradistrict Open Enrollment</u>
5117	<del>Interdistrict Attendance</del> <u>Interdistrict Attendance</u>

5117	<del>Interdistrict Attendance</del> Interdistrict Attendance
5121	<del>Grades/Evaluation Of Student Achievement</del> Grades/Evaluation Of Student Achievement
5121	<del>Grades/Evaluation Of Student Achievement</del> Grades/Evaluation Of Student Achievement
5123	<del>Promotion/Acceleration/Retention</del> Promotion/Acceleration/Retention
5123	<del>Promotion/Acceleration/Retention</del> Promotion/Acceleration/Retention
5125	<del>Student Records</del> Student Records
5125	<del>Student Records</del> Student Records
5125.2	<del>Withholding Grades, Diploma Or Transcripts</del> Withholding Grades, Diploma Or Transcripts
5131	<del>Conduct</del> Conduct
5131.2	<del>Bullying</del> Bullying
5131.2	<del>Bullying</del> Bullying
5131.6	<del>Alcohol And Other Drugs</del> Alcohol And Other Drugs
5131.6	<del>Alcohol And Other Drugs</del> Alcohol And Other Drugs
5132	<del>Dress And Grooming</del> Dress And Grooming
5132	<del>Dress And Grooming</del> Dress And Grooming
5137	<del>Positive School Climate</del> Positive School Climate
5138	<del>Conflict Resolution/Peer Mediation</del> Conflict Resolution/Peer Mediation
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.22	<del>Infectious Diseases</del> Infectious Diseases
5141.26	<del>Tuberculosis Testing</del> Tuberculosis Testing
<del>5141.26</del>	<del>Tuberculosis Testing</del>
5141.31	<del>Immunizations</del> Immunizations
5141.31	<del>Immunizations</del> Immunizations
5141.32	<del>Health Screening For School Entry</del> Health Screening For School Entry
5141.6	<del>School Health Services</del> School Health Services
5141.6	<del>School Health Services</del> School Health Services
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process
5144.1	<del>Suspension And Expulsion/Due Process</del> Suspension And Expulsion/Due Process



5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u> <u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5145.3	<u>Nondiscrimination/Harassment</u> <u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u> <u>Nondiscrimination/Harassment</u>
5145.6	<u>Parent/Guardian Notifications</u> <u>Parent/Guardian Notifications</u>
5145.6-E PDF(1)	<u>Parent/Guardian Notifications</u> <u>Parent/Guardian Notifications</u>
5145.9	<u>Hate-Motivated Behavior</u> <u>Hate-Motivated Behavior</u>
5147	<u>Dropout Prevention</u> <u>Dropout Prevention</u>
5148.2	<u>Before/After School Programs</u> <u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u> <u>Before/After School Programs</u>
5148.3	<u>Preschool/Early Childhood Education</u> <u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u> <u>Preschool/Early Childhood Education</u>
6000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
6011	<u>Academic Standards</u> <u>Academic Standards</u>
6020	<u>Parent Involvement</u> <u>Parent Involvement</u>
6020	<u>Parent Involvement</u> <u>Parent Involvement</u>
6145	<u>Extracurricular And Cocurricular Activities</u> <u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u> <u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u> <u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u> <u>Athletic Competition</u>
6146.1	<u>High School Graduation Requirements</u> <u>High School Graduation Requirements</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic Credit</u>
6146.3	<u>Reciprocity Of Academic Credit</u> <u>Reciprocity Of Academic Credit</u>
6159	<u>Individualized Education Program</u> <u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u> <u>Individualized Education Program</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u> <u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u> <u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>

6159.3	<del>Appointment Of Surrogate Parent For Special Education Students</del> <del>Appointment Of Surrogate Parent For Special Education Students</del>
6159.3	<del>Appointment Of Surrogate Parent For Special Education Students</del> <del>Appointment Of Surrogate Parent For Special Education Students</del>
6159.4	<del>Behavioral Interventions For Special Education Students</del> <del>Behavioral Interventions For Special Education Students</del>
6162.51	<del>State Academic Achievement Tests</del> <del>State Academic Achievement Tests</del>
6162.51	<del>State Academic Achievement Tests</del> <del>State Academic Achievement Tests</del>
6164.2	<del>Guidance/Counseling Services</del> <del>Guidance/Counseling Services</del>
<del>6164.2</del>	<del>Guidance/Counseling Services</del>
6164.4	<del>Identification And Evaluation Of Individuals For Special Education</del> <del>Identification And Evaluation Of Individuals For Special Education</del>
6164.4	<del>Identification And Evaluation Of Individuals For Special Education</del> <del>Identification And Evaluation Of Individuals For Special Education</del>
6164.6	<del>Identification And Education Under Section 504</del> <del>Identification And Education Under Section 504</del>
6164.6	<del>Identification And Education Under Section 504</del> <del>Identification And Education Under Section 504</del>
<del>6172</del>	<del>Gifted And Talented Student Program</del>
<del>6172</del>	<del>Gifted And Talented Student Program</del>
6173	<del>Education For Homeless Children</del> <del>Education For Homeless Children</del>
6173	<del>Education For Homeless Children</del> <del>Education For Homeless Children</del>
6173-E PDF(1)	<del>Education For Homeless Children</del> <del>Education For Homeless Children</del>
<del>6174</del> <del>6173</del>	<del>Education For English Learners</del> <del>Education For Homeless Children</del>
6174	<del>Education For English Learners</del> <del>Education For English Learners</del>
6174-E PDF(1)	<del>Education For English Learners</del> <del>Education For English Learners</del>
6177	<del>Summer Learning Programs</del> <del>Summer Learning Programs</del>
6179	<del>Supplemental Instruction</del> <del>Supplemental Instruction</del>
<del>6179</del>	<del>Supplemental Instruction</del>
6184	<del>Continuation Education</del> <del>Continuation Education</del>
6184	<del>Continuation Education</del> <del>Continuation Education</del>

6190

~~Evaluation Of The Instructional Program~~  
Evaluation Of The Instructional Program

9320

~~Meetings And Notices~~  
Meetings And Notices

**Policy 6173.1: Education For Foster Youth**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** 08/12/2014 | **Last Reviewed Date:** 08/12/2014

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs that may be addressed with the provision of a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement.

The Superintendent or designee shall provide foster youth with full access to the district's educational program and implement strategies necessary for the improvement of the academic achievement of foster youth as identified in the district's local control and accountability plan (LCAP).

The Superintendent or designee shall also develop strategies to build a foster youth's feeling of connectedness with school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and as specified in the accompanying administrative regulation. To that end, the Superintendent or designee shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

At least annually and in accordance with the established timelines, the Superintendent or designee shall report to the Board on the outcomes for foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the

LCAP for improving or increasing services for foster youth.

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of foster youth graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 39807.5	Payment of transportation costs by parents/guardians; waiver for foster youth
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42920-42926	Foster children educational services
Ed. Code 48645-48647	Juvenile court schools
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48915.5	Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1	Notice of recommended expulsion
Ed. Code 49061	Definitions; directory information
Ed. Code 49069.5	Students in foster care; grades and credits
Ed. Code 49076	Access to student records
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56055	Rights of foster parents pertaining to foster youth's education
H&S Code 120341	Foster youth; school placement and immunization records
H&S Code 1522.41	Training and certification of group home administrators
W&I Code 16000-16014	Foster care placement
W&I Code 300	Minors subject to jurisdiction
W&I Code 309	Investigation and release of child
W&I Code 317	Appointment of legal counsel
W&I Code 361	Limitations on parental control

W&I Code 366.27	Educational decision by relative providing living arrangements
W&I Code 602	Minors violating law; ward of court
W&I Code 726	Limitations on parental control
W&I Code 727	Order of care; ward of court
<b>Federal</b>	<b>Description</b>
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 670-679b	Federal assistance for foster care programs
<b>Management Resources</b>	<b>Description</b>
Alliance for Children's Rights Publication	Foster Youth Education Toolkit, December 2016
California Child Welfare Council Publication	Partial Credit Model Policy and Practice Recommendations, September 2013
California Foster Youth Education Task Force Pub	California Foster Youth Education Law Fact Sheets, January 2021
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CSBA Publication	Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication	Foster Youth: Supports for Success, Governance Brief, May 2016
U.S. Department of Education Publication	Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
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Website	<a href="#">Alliance for Children's Rights</a>
Website	<a href="#">Foster Ed</a>
Website	<a href="#">National Center for Youth Law</a>
Website	<a href="#">California Department of Education, Foster Youth Services</a>
Website	<a href="#">California Department of Social Services, Foster Youth Ombudsman Office</a>
Website	<a href="#">California Foster Youth Education Task Force</a>
Website	<a href="#">California Youth Connection</a>
Website	<a href="#">Cities Counties and Schools Partnership</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Child Welfare Council</a>

## Cross References

Code	Description
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1400	Relations Between Other Governmental Agencies And The Schools
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3260	Fees And Charges
3260	Fees And Charges
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3540	Transportation
3541	Transportation Routes And Services
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4131	Staff Development
4231	Staff Development
4331	Staff Development
5111	Admission

5111	Admission
5111.1	District Residency
5111.1	District Residency
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5132	Dress And Grooming
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services



5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students

6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9320	Meetings And Notices

## **Policy 6177: Summer Learning Programs**

**Status: ADOPTED**

**Original Adopted Date:** ~~04/01/23/2001~~2013 | **Last Revised Date:** ~~12/10/2019~~03/01/2023 |  
**Last Reviewed Date:** ~~12/10/2019~~03/01/2023

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills ~~and~~, make academic progress, and develop social, emotional, and physical needs and interests through hands-on engaging learning experiences.

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

### **Summer School**

#### **OPTION 1 (District is not required to offer summer school)**

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

#### **OPTION 1 ENDS HERE**

#### **OPTION 2 (District is required to offer summer school pursuant to Education Code 46120)**

The Superintendent or designee shall establish summer school classes pursuant to Education Code 46120.

#### **OPTION 2 ENDS HERE**

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

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

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

2. Have been retained or are at risk of being retained at their grade level
3. Demonstrate academic deficiencies in core curriculum areas
- 
4. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program
5. Are in grades transitional kindergarten (TK)-6 and are required to be offered or provided access to Expanded Learning Opportunities Programs pursuant to Education Code 46120 and BP/AR 5184.2 - Before/After School Programs

#### **OPTION 1: (First-come first-served)**

The remaining openings shall be offered to other district students on a first-come first-served basis.

#### **OPTION 1 ENDS HERE**

#### **OPTION 2: (Lottery)**

The remaining openings shall be offered to other district students on a lottery basis.

#### **OPTION 2 ENDS HERE**

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

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

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

### **Additional Summer Learning Opportunities**

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

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

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity
3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component
4. Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals
5. Assigning summer vacation homework in core curricular subject(s) for extra credit
6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other ~~subjects~~subject
7. Arranging opportunities for community service

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11470-11472	Summer school
5 CCR 3043	Extended school year; special education students
Ed. Code 37252-37254.1	Supplemental instruction
Ed. Code 39837	Transportation to summer employment program
Ed. Code 41505-41508	Pupil Retention Block Grant
Ed. Code 41976.5	Summer school programs; substantially disabled persons or graduating high school seniors
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 48070-48070.5	Promotion and retention
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan

Ed. Code 54444.3	Summer program for migrant students
Ed. Code 56345	Individualized education program contents
Ed. Code 58700-58702	Credit towards summer school apportionments for tutoring and homework assistance
Ed. Code 58806	Summer school apportionments
Ed. Code 8482-8484.6	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
<b>Federal</b>	<b>Description</b>
20 USC 6311-6322	Improving basic programs for disadvantaged students
20 USC 7171-7176	21st Century Community Learning Centers
<b>Management Resources</b>	<b>Description</b>
CSBA Publication	School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013
CSBA Publication	Summer Learning and Wellness Resource Guide
National Summer Learning Association Publication	New Vision for Summer School, 2010
National Summer Learning Association Publication	Healthy Summers for Kids: Turning Risk into Opportunity, May 2012
Rand Corporation Publication	Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Summer Learning Association</a>
Website	<a href="#">RAND Corporation</a>
Website	<a href="#">Summer Matters</a>
Website	<a href="#">Partnership for Children and Youth</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0200	<del>Goals For The School District</del> Goals For The School District
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
0460	<del>Local Control And Accountability Plan</del> Local Control And Accountability Plan
1330.1	<del>Joint Use Agreements</del> Joint Use Agreements

1400	<del>Relations Between Other Governmental Agencies And The Schools</del> <u>Relations Between Other Governmental Agencies And The Schools</u>
1700	<del>Relations Between Private Industry And The Schools</del> <u>Relations Between Private Industry And The Schools</u>
3260	<del>Fees And Charges</del> <u>Fees And Charges</u>
3260	<del>Fees And Charges</del> <u>Fees And Charges</u>
3552	<del>Summer Meal Program</del> <u>Summer Meal Program</u>
<del>3552</del>	<u>Summer Meal Program</u>
3553	<del>Free And Reduced Price Meals</del> <u>Free And Reduced Price Meals</u>
3553	<del>Free And Reduced Price Meals</del> <u>Free And Reduced Price Meals</u>
5030	<del>Student Wellness</del> <u>Student Wellness</u>
5113	<del>Absences And Excuses</del> <u>Absences And Excuses</u>
5113	<del>Absences And Excuses</del> <u>Absences And Excuses</u>
5113.2	<del>Work Permits</del> <u>Work Permits</u>
5113.2	<del>Work Permits</del> <u>Work Permits</u>
5123	<del>Promotion/Acceleration/Retention</del> <u>Promotion/Acceleration/Retention</u>
5123	<del>Promotion/Acceleration/Retention</del> <u>Promotion/Acceleration/Retention</u>
5141.6	<del>School Health Services</del> <u>School Health Services</u>
5141.6	<del>School Health Services</del> <u>School Health Services</u>
5147	<del>Dropout Prevention</del> <u>Dropout Prevention</u>
5148.2	<del>Before/After School Programs</del> <u>Before/After School Programs</u>
5148.2	<del>Before/After School Programs</del> <u>Before/After School Programs</u>
6000	<del>Concepts And Roles</del> <u>Concepts And Roles</u>
6011	<del>Academic Standards</del> <u>Academic Standards</u>
6020	<del>Parent Involvement</del> <u>Parent Involvement</u>
6020	<del>Parent Involvement</del> <u>Parent Involvement</u>
6111	<del>School Calendar</del> <u>School Calendar</u>
6142.4	<del>Service Learning/Community Service Classes</del> <u>Service Learning/Community Service Classes</u>
6142.7	<del>Physical Education And Activity</del> <u>Physical Education And Activity</u>
6142.7	<del>Physical Education And Activity</del> <u>Physical Education And Activity</u>
6142.91	<del>Reading/Language Arts Instruction</del> <u>Reading/Language Arts Instruction</u>
<del>6142.91</del>	<u>Reading/Language Arts Instruction</u>

6143	<del>Courses Of Study</del> Courses Of Study
6143	<del>Courses Of Study</del> Courses Of Study
6146.1	<del>High School Graduation Requirements</del> High School Graduation Requirements
6154	<del>Homework/Makeup Work</del> Homework/Makeup Work
<del>6154</del>	<del>Homework/Makeup Work</del>
<del>6154-E PDF(1)</del>	<del>Homework/Makeup Work</del>
6159	<del>Individualized Education Program</del> Individualized Education Program
6159	<del>Individualized Education Program</del> Individualized Education Program
6164.5	<del>Student Success Teams</del> Student Success Teams
6164.5	<del>Student Success Teams</del> Student Success Teams
6171	<del>Title I Programs</del> Title I Programs
6171	<del>Title I Programs</del> Title I Programs
6173	<del>Education For Homeless Children</del> Education For Homeless Children
6173	<del>Education For Homeless Children</del> Education For Homeless Children
<del>6173-E PDF(1)</del>	<del>Education For Homeless Children</del> Education For Homeless Children
<del>6173</del>	<del>Education For Homeless Children</del>
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6173.1	<del>Education For Foster Youth</del> Education For Foster Youth
6175	<del>Migrant Education Program</del> Migrant Education Program
6175	<del>Migrant Education Program</del> Migrant Education Program
6176	<del>Weekend/Saturday Classes</del> Weekend/Saturday Classes
<del>6176</del>	<del>Weekend/Saturday Classes</del>
6178.1	<del>Work-Based Learning</del> Work-Based Learning
6178.1	<del>Work-Based Learning</del> Work-Based Learning
6179	<del>Supplemental Instruction</del> Supplemental Instruction
<del>6179</del>	<del>Supplemental Instruction</del>



**Policy 6177: Summer Learning Programs**

**Status: ADOPTED**

**Original Adopted Date:** 01/23/2001 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills, make academic progress, and develop social, emotional, and physical needs and interests through hands-on engaging learning experiences.

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

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---

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State	Description
5 CCR 11470-11472	Summer school
5 CCR 3043	Extended school year; special education students
Ed. Code 37252-37254.1	Supplemental instruction

Ed. Code 39837	Transportation to summer employment program
Ed. Code 41505-41508	Pupil Retention Block Grant
Ed. Code 41976.5	Summer school programs; substantially disabled persons or graduating high school seniors
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 48070-48070.5	Promotion and retention
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
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Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 54444.3	Summer program for migrant students
Ed. Code 56345	Individualized education program contents
Ed. Code 58700-58702	Credit towards summer school apportionments for tutoring and homework assistance
Ed. Code 58806	Summer school apportionments
Ed. Code 8482-8484.6	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
<b>Federal</b>	<b>Description</b>
20 USC 6311-6322	Improving basic programs for disadvantaged students
20 USC 7171-7176	21st Century Community Learning Centers
<b>Management Resources</b>	<b>Description</b>
CSBA Publication	School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013
CSBA Publication	Summer Learning and Wellness Resource Guide
National Summer Learning Association Publication	New Vision for Summer School, 2010
National Summer Learning Association Publication	Healthy Summers for Kids: Turning Risk into Opportunity, May 2012
Rand Corporation Publication	Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Summer Learning Association</a>
Website	<a href="#">RAND Corporation</a>
Website	<a href="#">Summer Matters</a>

Website	<a href="#">Partnership for Children and Youth</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0200	Goals For The School District
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3552	Summer Meal Program
3552	Summer Meal Program
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3553	Free And Reduced Price Meals
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5113	Absences And Excuses
5113	Absences And Excuses
5113.2	Work Permits
5113.2	Work Permits
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5148.2	Before/After School Programs
5148.2	Before/After School Programs
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement

6020	Parent Involvement
6111	School Calendar
6142.4	Service Learning/Community Service Classes
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.91	Reading/Language Arts Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6154	Homework/Makeup Work
6159	Individualized Education Program
6159	Individualized Education Program
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6173	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6179	Supplemental Instruction

## **Policy 7110: Facilities Master Plan**

**Status:** ADOPTED

**Original Adopted Date:** ~~08/25/2009~~02/01/1996 | **Last Revised Date:** ~~08/28/2012~~09/01/2022 | **Last Reviewed Date:** ~~08/28/2012~~09/01/2022

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment, teacher housing needs, and ~~in~~ the district's educational program ~~needs~~. The Superintendent or designee ~~may~~shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

### **Plan Development**

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. ~~He/she also~~ The Superintendent or designee shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

### Plan Components

The facilities master plan shall include:

### ~~Plan Components~~

~~The facilities master plan shall include:~~

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds
6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives
2. Provide for maximum site enrollment at school facilities
3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010
4. Are designed for the environmental comfort and work efficiency of the occupants
5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future ~~needs~~need

Plans for the design and construction of new school facilities ~~also~~ shall also meet the standards described in 5 CCR 14030, ~~green building standards pursuant to the~~ California Green Building Standards Code, Title 24-CCR 101 et seq., Part 11 of the California Code of Regulations

("CALGreen"), the Americans with Disabilities Act (ADA) pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

However, plans for residential housing, which includes any building used or intended to be used by the district as a personal residence by a teacher or employee of the district, is not considered to be a "school building" and does not require approval by the Department of General Services regarding earthquake safety and/or the ADA. (Education Code 17283.5; Government Code 4454.5)

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

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**Policy Reference Disclaimer:**

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State	Description
2 CCR 1859-1859.199	<a href="#">Leroy F. Greene School Facilities Act</a>
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14010	Procedure for site acquisition
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Ed. Code 16011	<a href="#">Long-range comprehensive master plan</a>
Ed. Code 16322	<a href="#">California Department of Education services</a>
Ed. Code 17017.5	<a href="#">Approval of applications for projects</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17251-17256	<a href="#">CDE powers concerning buildings and building sites</a>
Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17283.5	School building does not include residential housing
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 17405	Relocatable structures; lease requirements
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Ed. Code 4454.5	Approval of plans and specifications; exemption of residential housing
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 65352.2	Communicating and coordinating of school sites
Gov. Code 65995.6	School facilities needs analysis



H&S Code 53570-53574

**Federal**

28 CFR 35.101-35.190

42 USC 12101-12213

**Management Resources**

California Department of Education  
Publication

California Department of Education  
Publication

California Department of Education  
Publication

CSBA Publication

CSBA Publication

Office of Public School Construction  
Publication

Office of Public School Construction  
Publication

State Allocation Board Publication

Website

Website

Website

Website

Teacher Housing Act of 2016

**Description**

Americans with Disabilities Act

Americans with Disabilities Act

**Description**

Educational Specifications: Linking Design of School Facilities  
to Educational Program, 1997

Guide for the Development of a Long-Range Facilities Plan,  
1986

Schools of the Future Report, September 2011

Maximizing Opportunities for Physical Activity Through Joint  
Use of Facilities, Policy Brief, February 2010

Facilities Master Planning, Fact Sheet, November 2007

School Facility Program Handbook, January 2019

A Brief Overview of the School Facility Program, May 2016

Public School Construction Cost Reduction Guidelines, 2000

[CSBA District and County Office of Education Legal Services](#)

[Department of General Services, Office of Public School  
Construction](#)

[California Department of Education](#)

[CSBA](#)

**Cross References**

**Code**

0000

~~0000~~

0200

0400

0410

0415

~~0415~~

0460

0460

1220

1220

**Description**

~~Vision~~[Vision](#)

~~Vision~~[Vision](#)

~~Goals For The School District~~[Goals For The School District](#)

~~Comprehensive Plans~~[Comprehensive Plans](#)

~~Nondiscrimination In District Programs And  
Activities~~[Nondiscrimination In District Programs And Activities](#)

~~Equity~~[Equity](#)

~~Equity~~[Equity](#)

~~Local Control And Accountability Plan~~[Local Control And  
Accountability Plan](#)

~~Local Control And Accountability Plan~~[Local Control And  
Accountability Plan](#)

~~Citizen Advisory Committees~~[Citizen Advisory Committees](#)

~~Citizen Advisory Committees~~[Citizen Advisory Committees](#)

1330.1	<del>Joint Use Agreements</del> Joint Use Agreements
1340	<del>Access To District Records</del> Access To District Records
1340	<del>Access To District Records</del> Access To District Records
3280	<del>Sale Or Lease Of District-Owned Real Property</del> Sale Or Lease Of District-Owned Real Property
3280	<del>Sale Or Lease Of District-Owned Real Property</del> Sale Or Lease Of District-Owned Real Property
3311.1	<del>Uniform Public Construction Cost Accounting Procedures</del> Uniform Public Construction Cost Accounting Procedures
3311.1	<del>Uniform Public Construction Cost Accounting Procedures</del> Uniform Public Construction Cost Accounting Procedures
3311.3	<del>Design-Build Contracts</del> Design-Build Contracts
<del>3470</del>	<del>Debt Issuance And Management</del>
3510	<del>Green School Operations</del> Green School Operations
3511	<del>Energy And Water Management</del> Energy And Water Management
3511	<del>Energy And Water Management</del> Energy And Water Management
3511.1	<del>Integrated Waste Management</del> Integrated Waste Management
3511.1	<del>Integrated Waste Management</del> Integrated Waste Management
3514	<del>Environmental Safety</del> Environmental Safety
3514	<del>Environmental Safety</del> Environmental Safety
3517	<del>Facilities Inspection</del> Facilities Inspection
3517	<del>Facilities Inspection</del> Facilities Inspection
<del>3517-E PDF(1)</del>	<del>Facilities Inspection</del>
3550	<del>Food Service/Child Nutrition Program</del> Food Service/Child Nutrition Program
3550	<del>Food Service/Child Nutrition Program</del> Food Service/Child Nutrition Program
5030	<del>Student Wellness</del> Student Wellness
5141.7	<del>Sun Safety</del> Sun Safety
5142	<del>Safety</del> Safety
5142	<del>Safety</del> Safety
5142.2	<del>Safe Routes To School Program</del> Safe Routes To School Program
<del>5142.2</del>	<del>Safe Routes To School Program</del>
5145.3	<del>Nondiscrimination/Harassment</del> Nondiscrimination/Harassment

5145.3	<u>Nondiscrimination/Harassment</u> <u>Nondiscrimination/Harassment</u>
5148	<u>Child Care And Development</u> <u>Child Care And Development</u>
5148	<u>Child Care And Development</u> <u>Child Care And Development</u>
5148.3	<u>Preschool/Early Childhood Education</u> <u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u> <u>Preschool/Early Childhood Education</u>
<u>6117</u>	<u>Year-Round Schedules</u>
6141	<u>Curriculum Development And Evaluation</u> <u>Curriculum Development And Evaluation</u>
6141	<u>Curriculum Development And Evaluation</u> <u>Curriculum Development And Evaluation</u>
6142.7	<u>Physical Education And Activity</u> <u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u> <u>Physical Education And Activity</u>
6145.2	<u>Athletic Competition</u> <u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u> <u>Athletic Competition</u>
6163.1	<u>Library Media Centers</u> <u>Library Media Centers</u>
6178	<u>Career Technical Education</u> <u>Career Technical Education</u>
6178	<u>Career Technical Education</u> <u>Career Technical Education</u>
7000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
7111	<u>Evaluating Existing Buildings</u> <u>Evaluating Existing Buildings</u>
7131	<u>Relations With Local Agencies</u> <u>Relations With Local Agencies</u>
7140	<u>Architectural And Engineering Services</u> <u>Architectural And Engineering Services</u>
7140	<u>Architectural And Engineering Services</u> <u>Architectural And Engineering Services</u>
7150	<u>Site Selection And Development</u> <u>Site Selection And Development</u>
7150	<u>Site Selection And Development</u> <u>Site Selection And Development</u>
<u>7160</u>	<u>Charter School Facilities</u>
<u>7160</u>	<u>Charter School Facilities</u>
7210	<u>Facilities Financing</u> <u>Facilities Financing</u>
7212	<u>Mello-Roos Districts</u> <u>Mello-Roos Districts</u>
<u>7213</u>	<u>School Facilities Improvement Districts</u>
7214	<u>General Obligation Bonds</u> <u>General Obligation Bonds</u>
7214	<u>General Obligation Bonds</u> <u>General Obligation Bonds</u>



**Policy 7110: Facilities Master Plan**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment, teacher housing needs, and the district's educational program. The Superintendent or designee shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

**Plan Development**

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. The Superintendent or designee shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

**Plan Components**

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical

resources and needs

4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds
6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives
2. Provide for maximum site enrollment at school facilities
3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010
4. Are designed for the environmental comfort and work efficiency of the occupants
5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future need

Plans for the design and construction of new school facilities shall also meet the standards described in 5 CCR 14030, the California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations ("CALGreen"), the Americans with Disabilities Act (ADA) pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

However, plans for residential housing, which includes any building used or intended to be used by the district as a personal residence by a teacher or employee of the district, is not considered to be a "school building" and does not require approval by the Department of General Services regarding earthquake safety and/or the ADA. (Education Code 17283.5; Government Code 4454.5)

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

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**State**  
2 CCR 1859-1859.199

**Description**  
[Leroy F. Greene School Facilities Act](#)

24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14010	Procedure for site acquisition
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Ed. Code 16011	<a href="#">Long-range comprehensive master plan</a>
Ed. Code 16322	<a href="#">California Department of Education services</a>
Ed. Code 17017.5	<a href="#">Approval of applications for projects</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17251-17256	<a href="#">CDE powers concerning buildings and building sites</a>
Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17283.5	School building does not include residential housing
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 17405	Relocatable structures; lease requirements
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Ed. Code 4454.5	Approval of plans and specifications; exemption of residential housing
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 65352.2	Communicating and coordinating of school sites
Gov. Code 65995.6	School facilities needs analysis
H&S Code 53570-53574	Teacher Housing Act of 2016
<b>Federal</b>	<b>Description</b>
28 CFR 35.101-35.190	Americans with Disabilities Act
42 USC 12101-12213	Americans with Disabilities Act
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Educational Specifications: Linking Design of School Facilities to Educational Program, 1997
California Department of Education Publication	Guide for the Development of a Long-Range Facilities Plan, 1986
California Department of Education Publication	Schools of the Future Report, September 2011
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
CSBA Publication	Facilities Master Planning, Fact Sheet, November 2007
Office of Public School Construction Publication	School Facility Program Handbook, January 2019
Office of Public School Construction Publication	A Brief Overview of the School Facility Program, May 2016
State Allocation Board Publication	Public School Construction Cost Reduction Guidelines, 2000

Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Department of General Services, Office of Public School Construction</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.3	Design-Build Contracts
3470	Debt Issuance And Management
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3514	Environmental Safety
3514	Environmental Safety
3517	Facilities Inspection
3517	Facilities Inspection
3550	Food Service/Child Nutrition Program



3550	Food Service/Child Nutrition Program
5030	Student Wellness
5141.7	Sun Safety
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6117	Year-Round Schedules
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.1	Library Media Centers
6178	Career Technical Education
6178	Career Technical Education
7000	Concepts And Roles
7111	Evaluating Existing Buildings
7131	Relations With Local Agencies
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
7150	Site Selection And Development
7150	Site Selection And Development
7160	Charter School Facilities
7160	Charter School Facilities
7210	Facilities Financing
7212	Mello-Roos Districts
7213	School Facilities Improvement Districts

7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board

**Policy 7150: Site Selection And Development**

**Status:** ADOPTED

Original Adopted Date: ~~08/25/2009~~02/01/1999 | Last Revised Date: 09/01/2022 | Last Reviewed  
Date: ~~08/25/2009~~09/01/2022

The Governing ~~Board of Education~~ believes that a school site should serve the district's educational needs in accordance with the district's master plan, as well as show potential for contributing to other community needs.

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

Before acquiring property for a new school or an addition to an existing school site, the Board, at a public hearing, shall either evaluate the property ~~at a public hearing~~ using state site selection standards ~~specified in 5 CCR 14010 or, if a district advisory committee was appointed to evaluate the property, receive the committee's report of findings based on those standards.~~ (Education Code 17211)

, 17251)

**Environmental Impact Investigation for the Site Selection Process**

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act ~~whenever so required, including any web site posting requirements.~~ When evaluating district projects, the CEQA guidelines shall be used.

Environmental review documents, including a draft environmental impact report, environmental impact report, negative declaration or mitigated negative declaration, and public notice of the preparation and availability of such documents, shall be posted on the district's web site. (Public Resources Code 21082.1, 21092, 21092.2)

## Agricultural Land

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

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State	Description
14 CCR 15000-15285	Implementation of California Environmental Quality Act of 1970
5 CCR 14001-14036	California Department of Education: school facilities construction
CCP 1263.710-1263.770	Remediation of hazardous substances on property to be acquired by school district
Ed. Code 17006	<a href="#">Definition of self-certifying district</a>
Ed. Code 17024	<a href="#">Prior written approval of CDE for selection of school site or construction of building</a>
Ed. Code 17070.10-17077.10	<a href="#">Leroy F. Greene School Facilities Act of 1998</a>
Ed. Code 17210-17224	<a href="#">School Sites; general provisions</a>
Ed. Code 17240-17245	<a href="#">New Schools Relief Act</a>
Ed. Code 17250.10-17250.55	<a href="#">Design-build contracts</a>
Ed. Code 17251-17256	<a href="#">CDE powers concerning buildings and building sites</a>
Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable

Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition
H&S Code 44360	Risk assessment
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 130 (1999)
Website	<a href="#">Governor's Office of Planning and Research</a>
Website	<a href="#">Department of Toxic Substances Control</a>
Website	<a href="#">California Department of Education, School Site Selection and Approval Guide</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Department of General Services, Office of Public School Construction</a>
Website	<a href="#">California Department of Education, School Facilities</a>

## Cross References

Code	Description
1113	<del>District And School Web Sites</del> District And School Web Sites
1113	<del>District And School Web Sites</del> District And School Web Sites
1113-E PDF(1)	<del>District And School Web Sites</del> District And School Web Sites
1220	<del>Citizen Advisory Committees</del> Citizen Advisory Committees
1220	<del>Citizen Advisory Committees</del> Citizen Advisory Committees
1330.1	<del>Joint Use Agreements</del> Joint Use Agreements
3311.2	<del>Lease-Leaseback Contracts</del> Lease-Leaseback Contracts
3510	<del>Green School Operations</del> Green School Operations
3514	<del>Environmental Safety</del> Environmental Safety
3514	<del>Environmental Safety</del> Environmental Safety
5142.2	<del>Safe Routes To School Program</del> Safe Routes To School Program
<del>5142.2</del>	<del>Safe Routes To School Program</del>
7000	<del>Concepts And Roles</del> Concepts And Roles
7110	<del>Facilities Master Plan</del> Facilities Master Plan
7131	<del>Relations With Local Agencies</del> Relations With Local Agencies
7140	<del>Architectural And Engineering Services</del> Architectural And Engineering Services

7140	<del>Architectural And Engineering Services</del> Architectural And Engineering Services
7210	<del>Facilities Financing</del> Facilities Financing
9000	<del>Role Of The Board</del> Role Of The Board
9320	<del>Meetings And Notices</del> Meetings And Notices
9323.2	<del>Actions By The Board</del> Actions By The Board
9323.2-E PDF(1)	<del>Actions By The Board</del> Actions By The Board
<u>9323.2</u>	<u>Actions By The Board</u>

**Policy 7150: Site Selection And Development**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Reviewed Date:** | **Last Revised Date:**

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1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
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Ed. Code 17260-17268	<a href="#">Plans and specifications for school facilities</a>
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