

BOARD OF EDUCATION AGENDA

SPECIAL MEETING
October 8, 2025 - 4:00 PM

BOARD POLICY SUBCOMMITTEE MEETING

Niel Tam Educational Center * 2060 Challenger Drive * Alameda, California 94501

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 - Ballena 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order of business including, but not limited to, an announcement that an agenda item will be considered out of order, withdrawn, postponed, or rescheduled.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. APPROVAL OF MINUTES

1. Minutes from the May 22, 2025 Board Policy Subcommittee Meeting will be Considered (5 Mins/Action)

D. BUSINESS – Informational reports and action items are presented under this section.

1. CSBA Recommended Updates to Board Policies Reflecting Changes Made to Legislative Laws (10 Mins/Action)
2. CSBA Recommended Policy Updates Reflecting New Court Decision in Mahmoud v. Taylor (15 Mins/Action)

3. CSBA Recommended Update to Board Policy 5131.8: Mobile Communication Devices (10 Mins/Action)
4. CSBA Recommended Update to Board Bylaw 9150: Student Board Members (10 Mins/Action)
5. Review Existing Board Bylaws: BB 9000 Role of the Board, BB 9005 Governance Standards, and BB 9223 Filling Vacancies (10 Mins/Action)

E. ADJOURNMENT

ALAMEDA UNIFIED SCHOOL DISTRICT
SPECIAL AGENDA ITEM

Item Title: Minutes from the May 22, 2025 Board Policy Subcommittee Meeting will be Considered (5 Mins/Action)

Item Type: Action

Background: Staff has prepared minutes following Board Bylaw 9324 – Minutes and Recordings:
In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

- May 22, 2025 Board Policy Subcommittee Meeting Minutes

AUSD LCAP Goals:

Fiscal Analysis

Amount (Savings) (Cost):

Recommendation: Approve as submitted.

AUSD Guiding Principle:

Submitted By: Meira Nalamothu, Executive Assistant, Educational Services

ATTACHMENTS:

Description		Upload Date	Type
□	UNADOPTED Minutes_5.22.25 BP	9/30/2025	Backup Material
	Subcommittee Meeting		

BOARD POLICY SUBCOMMITTEE MEETING

May 22, 2025

Marina Conference Room
2060 Challenger Drive, Alameda

UNADOPTED MINUTES

SPECIAL MEETING: A Special Meeting of the Board of Education was held on the date and place mentioned above.

A. CALL TO ORDER: The meeting was called to order at 4:01 PM.

1. Introduction of Board Members and Staff:

Board of Education Members present: Ryan LaLonde. Gary K Lym (arrived at 4:04 pm).

Executive Cabinet present: Superintendent Pasquale Scuderi, Asst. Superintendent of Educational Services Kirsten Zazo, Asst. Superintendent of Human Resources Tim Erwin, and Senior Manager of Community Affairs Susan Davis

Additional AUSD staff present: Executive Assistant Meira Nalamothu

B. MODIFICATION(S) OF THE AGENDA: There were no modifications to the agenda.

C. APPROVAL OF MINUTES:

1. Approval of Minutes: (Upon arrival of Member Lym)
Minutes from April 3, 2025, Subcommittee Meeting were considered.

Motion to approve the minutes from April 3, 2025, Board Policy Subcommittee Meeting.

MOTION: Ryan LaLonde

SECONDED: Gary Lym

STUDENT BOARD MEMBER (PREFERENTIAL) VOTES

AYES: 0

NOES:

ABSTAINING:

BOARD MEMBER VOTES:

AYES: 2

NOES:

ABSTAINING:

D. BUSINESS:

1. CSBA Recommended Updates to Board Policies Reflecting Changes made to Legislative Laws (Action):

- | | |
|---------------------------------------|-------------------------------------|
| • BB 9224 | Oath of Affirmation |
| • BB 9260 | Legal Protection |
| • BP 1312.2 | Complaints Concerning Instructional |
| Materials | |
| • BP 1340 | Access to District Records |
| • BP 4151/4251/4351 | Employee Compensation |
| • BP 4158/4258/4358 | Employee Security |
| • BP 5131 | Conduct |
| • BP 5131.6 | Alcohol and Other Drugs |
| • BP 5144.1 | Suspension and Expulsion/Due |
| Process | |
| • BP 6142.93 | Science Instruction |
| • BP 6142.94 | History Social Science Instruction |
| • BP 6159 | Individualized Education Program |
| • BP 6159.2 | Nonpublic/Nonsectarian School and |
| Agency Services for Special Education | |

Public Comments: There were no public comments.

Committee Discussion: After a short discuss and only one minor change to BP 5131 Conduct – removal of the words “gang-related apparel” from #11, staff were directed to move all the policies and bylaws listed above to the consent calendar of the next regularly scheduled Board of Education meeting for approval.

Motion to move all the policies and bylaws listed under this item to the consent calendar for approval at the next regularly scheduled Board of Education meeting.

MOTION: Ryan LaLonde

SECONDED: Gary Lym

STUDENT BOARD MEMBER (PREFERENTIAL) VOTES

AYES: 0

NOES:

BOARD MEMBER VOTES:

AYES: 2

NOES:

ABSTAINING:

MOTION APPROVED

2. CSBA Recommended update to BP 5125: Student Records (Action)

BP 5125 Student Records was part of the March 2025 CSBA policy update packet. It was brought as a separate item on this agenda for review and discussion by the Committee.

One of the reasons it was pulled from the batch was because of recent questions from the LGBT group around data security. “If a govt entity came to a third party asking for information, would they be able to share.” Staff have reached out to legal counsel for advice. Mr. Shariq Khan and Ms. Susan Davis have met with them, and they are going to prepare a memo that can be shared out.

Public Comments: There were no public comments

Committee Discussion: Superintendent Scuderi brought up some ideas that management had put forth, one of them being to update our agreement with Aeries.

Some of the other points made were:

- while the agency is the “holder” or “keeper” of the data, we (AUSD) are the owners of that property. Any enquiry that comes should come to the district.
- ways to protect our students against public agencies that are looking for information around gender identity and gender change.

Committee members agreed these were valid concerns and steps needed to be taken to safeguard our data and student information. Meanwhile, there was nothing in the policy that could be changed. Staff were directed to add this as a stand-alone item for review by the full Board.

Motion to move BP 5125 Student Records to the consent calendar for approval at the next regularly scheduled Board of Education meeting.

MOTION: Gary Lym

SECONDED: Ryan LaLonde

STUDENT BOARD MEMBER (PREFERENTIAL) VOTES

AYES: 0

NOES:

BOARD MEMBER VOTES:

AYES: 2

NOES:

ABSTAINING:

MOTION APPROVED

3. CSBA Recommended Update BP 5145.13 Response to Immigration Enforcement (Action):

BP 5145.13 Response to Immigration Enforcement was also part of the March 2025 CSBA policy update packet. It was brought as a separate item on this agenda for review and discussion by the Committee.

Public Comments: There were no public comments.

Committee Discussion: Superintendent pulled this from the packet so the committee could take a closer look given the current political climate. Parents/volunteers are on campus all the time. No doubt the volunteer sign up has a clause for confidentiality.

After a brief discussion, staff were directed to add this policy as a stand-alone item for review by the full Board.

Motion to move BP 5145.13 Response to Immigration Enforcement to the consent calendar for approval at the next regularly scheduled Board of Education meeting.

MOTION: Gary Lym

SECONDED: Ryan LaLonde

STUDENT BOARD MEMBER (PREFERENTIAL) VOTES

AYES: 0

NOES:

BOARD MEMBER VOTES:

AYES: 2

NOES:

ABSTAINING:

MOTION APPROVED

4. Staff Recommendation to Update BP and AR 3471.1 Citizens' Parcel Tax Oversight Committee (Action):

This policy and regulation were last updated in 2021, after the Board voted to allow Measures B1 and A to be overseen by one unified Parcel Tax Oversight Committee.

Measures B1 and A will be replaced by Measure E on July 1, 2025. As such, the language in the policy and regulation needs to reflect the new letter, the new name, the new rate, and the new uses of the parcel tax.

Public Comments: There were no public comments.

Committee Discussion: Staff were directed to add language to the exemptions portion for more clarity and then present the updated BP and

AR 3471.1 Citizens' Parcel Tax Oversight Committee to the full Board for approval.

Motion to move BP /AR 3471.1 Citizens' Parcel Tax Oversight Committee to the consent calendar for approval at the next regularly scheduled Board of Education meeting.

MOTION: Gary Lym

SECONDED: Ryan LaLonde

STUDENT BOARD MEMBER (PREFERENTIAL) VOTES

AYES: 0

NOES:

BOARD MEMBER VOTES:

AYES: 2

NOES:

ABSTAINING:

MOTION APPROVED

5. Discussion of future topics (Information):

This item was added to the agenda by Board Member referral to discuss topics for future Board Policy Committee Meetings.

Public Comments: There were no public comments.

Committee Discussion: The following topics were discussed.

Facility Use and Rental: Are we liable for organizations that do not have their staff live scanned and fingerprinted? If something happened to a student when participating in an event operated by the organization, would the district be liable? Organizations have to submit their certificates of insurance. They should not be advertising their programs as being run by AUSD. These are probably things listed on the rental contract versus on policy.

Concurrent Enrollment: Member Gary and Superintendent Scuderi are trying to schedule a meeting with Peralta. They would both go over the chart and hope to be able to:

- Increase English credits that can be earned from 10 to 20
- Look at Social Studies courses offered
- Broaden the selection available

Island HS graduation requirements: changed to 180. Are we changing it again before the school year? Independent studies moving back to island high school. Students staying at their home school have to meet the

graduation requirements of the home school. Those who move to Island HS would meet the graduation requirements for that school.

Physical Education (PE) requirements: Student athletes wanting a flexible schedule and waiving of the physical fitness criteria. Students on independent study can still participate in all extracurricular available to all other students.

The committee collectively decided on the following topics for the upcoming meetings in 2025.

- Facilities use and rental, BP and AR 1330
- Concurrent enrollment, BP and AR 6172.1 and
- Data privacy and data security (student records), BP and AR 5125

E. ADJOURNMENT: The meeting was adjourned at 4:38 pm with appreciation for those in attendance.

ALAMEDA UNIFIED SCHOOL DISTRICT
SPECIAL AGENDA ITEM

Item Title: CSBA Recommended Updates to Board Policies Reflecting Changes Made to Legislative Laws (10 Mins/Action)

Item Type: Action

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

- BP 0420.4 Charter School Authorization
- BP 0420.41 Charter School Oversight
- BP 0450 Comprehensive Safety Plan
- BP 1113 District and School Websites
- BP 3311 Bids
- BP 3311.1 Uniform Public Construction cost Accounting Procedures
- BP 3312 Contracts
- BP 3320 Claims and Actions Against the District
- BP 3515.5 Sex Offender Notification
- BP 3580 District Records
- BP 4033 Lactation Accommodation
- BP 5145.6 Married/Pregnant Parenting Students
- BP 6142.91 Reading/Language Arts Instruction

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: Approve as submitted.

AUSD Guiding Principle: #1 - All students have the ability to achieve academic and personal success.| #2 - Teachers must challenge and support all students to reach their highest academic and personal potential.| #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.| #6 - Allocation of funds must support our vision, mission, and guiding principles.| #7 - All employees must receive respectful treatment and professional support to achieve district goals.

Kirsten Zazo, Assistant Superintendent of Educational Services

Submitted By:

ATTACHMENTS:

Description	Upload Date	Type
▣ BP 0420.4_Charter School Authorization	9/30/2025	Backup Material
▣ BP 0420.41_Charter School Oversight	9/30/2025	Backup Material
▣ BP 0450_Comprehensive Safety Plan	9/30/2025	Backup Material
▣ BP 1113_District and School Websites	9/30/2025	Backup Material
▣ BP 3311_Bids	9/30/2025	Backup Material
▣ BP 3311.1_Uniform Public Construction Cost Accounting Procedures	9/30/2025	Backup Material
▣ BP 3312_Contracts	9/30/2025	Backup Material
▣ BP 3320_Claims and Actions Against the District	9/30/2025	Backup Material
▣ BP 3515.5_Sex Offender Notification	9/30/2025	Backup Material
▣ BP 3580_District Records	9/30/2025	Backup Material
▣ BP 4033_Lactation Accommodation	9/30/2025	Backup Material
▣ BP 5146_Married/Pregnant Parenting Students	9/30/2025	Backup Material
▣ BP 6142.91_Reading/Language Arts Instruction	9/30/2025	Backup Material

Policy 0420.4: Charter School Authorization

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~05/01/2019 | Last Revised Date: ~~08/22/2023~~06/01/2025 |
Last Reviewed Date: ~~08/22/2023~~06/01/2025

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

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 (MOU) to clarify the financial and operational agreements between the district and the charter school. Any such ~~memorandum of understanding~~ MOU 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~~

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)~~;~~~~2~~
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) (Education Code 47605)

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)

The Board may deny a proposed material revision if it finds that the proposed material revision 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: (Education Code 47605)

-
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 within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent, 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, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

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 Governing 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	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction

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 the⁶

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 (MOU) to clarify the financial and operational agreements between the district and the charter school. Any such MOU 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, 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)

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)

The Board may deny a proposed material revision if it finds that the proposed material revision 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: (Education Code 47605)

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 within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent, 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, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

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 Governing 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	<u>Nonprofit public benefit corporations</u>
Ed. Code 1240	<u>County superintendent of schools; duties</u>
Ed. Code 17078.52-17078.66	<u>Charter schools facility funding; state bond proceeds</u>
Ed. Code 17280-17317	<u>Field Act; approval of plans and supervision of construction</u>
Ed. Code 17365-17374	<u>Field Act; fitness for occupancy; liability of board members</u>
Ed. Code 200	<u>Equal rights and opportunities in state educational institutions</u>
Ed. Code 220	<u>Prohibition of discrimination</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 33126	<u>School accountability report card</u>
Ed. Code 41365	<u>Charter school revolving loan fund</u>
Ed. Code 42131	<u>Interim certification</u>
Ed. Code 42238.02-42238.52	<u>Funding for charter districts</u>

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: ~~11/27/2012~~10/01/2013 | Last Revised Date: ~~09/24/2024~~06/01/2025 |
Last Reviewed Date: ~~09/24/2024~~06/01/2025

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.

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 may designate someone to attend meetings of the charter school governing body whenever possible.

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 Superintendent or designee and the governing bodies of charter schools authorized by the Board shall review new laws and regulations applicable to charter schools.

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,~~memorandum of understanding (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)

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 Board approve and 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

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services.—(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)~~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)~~

~~The Board may deny a proposed material revision if it finds that the proposed material revision 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: (Education Code 47605)~~

- ~~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 within reasonable proximity to where the charter school intends to locate~~

~~Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. 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, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)~~

~~Location of Charter Schools~~ (Education Code 47611.3)

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.

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 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 other³

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

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 school and/or an applicable agreement between the district and the charter school, 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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State	Description
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	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
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 17586	Interior locks on buildings
Ed. Code 200	Nondiscrimination declaration of purpose
Ed. Code 210.2	Educational equity definition

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 11/27/2012 | **Last Revised Date:** 09/24/2024 | **Last Reviewed Date:** 09/24/2024

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.

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 may designate someone to attend meetings of the charter school governing body whenever possible.

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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.

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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 memorandum of understanding (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)

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If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the Board approve and 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.

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Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (Education Code 47613)

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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

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 of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and 7

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

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 school and/or an applicable agreement between the district and the charter school, 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)

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 Governing 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 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	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
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 17586	Interior locks on buildings

Policy 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/15/2016 | **Last Revised Date:** 05/14/2024 | **Last Reviewed Date:** 05/14/2024

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for staff and student ~~and staff~~ conduct, responsible behavior, and respect for others.

The school site council at each district school shall develop a comprehensive school safety plan (CSSP) relevant to the needs and resources of that particular school. New school campuses shall develop a ~~comprehensive safety plan~~ CSSP within one year of initiating operations. (Education Code 32281, 32286)

The ~~comprehensive school safety plan~~ CSSP shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the school site.

The ~~comprehensive safety plan(s)~~ CSSP(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

As necessary, the Superintendent or designee shall provide CSSP training to all school staff.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a ~~comprehensive safety plan~~ CSSP that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and

materials is readily available for inspection by the public. (Education Code 32282)

However, those portions of the ~~comprehensive safety plan~~ CSSP that include tactical responses to criminal incidents shall not be publicly disclosed.

The Superintendent or designee shall share the ~~comprehensive safety plans~~ CSSPs and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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 Governing 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 11987-11987.7	<u>School Community Violence Prevention Program requirements</u>
5 CCR 11992-11993	<u>Persistently dangerous schools; definition</u>
CA Constitution Article 1, Section 28	<u>Right to Safe Schools</u>
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 32260-32262	<u>Interagency School Safety Demonstration Act of 1985</u>
Ed. Code 32270	<u>School safety cadre</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 32290	<u>Safety devices</u>
Ed. Code 35147	<u>School site councils and advisory committees</u>
Ed. Code 35183	<u>School dress code; uniforms</u>
Ed. Code 35266	<u>Reporting of cyberattacks</u>
Ed. Code 35291	<u>Rules</u>
Ed. Code 35291.5	<u>School-adopted discipline rules</u>
Ed. Code 41020	<u>Requirement for annual audit</u>
Ed. Code 48900-48927	<u>Suspension and expulsion</u>
Ed. Code 48950	<u>Speech and other communication</u>

Policy 0450: Comprehensive Safety Plan

Status: ADOPTED

Original Adopted Date: 11/15/2016 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for staff and student conduct, responsible behavior, and respect for others.

The school site council at each district school shall develop a comprehensive school safety plan (CSSP) relevant to the needs and resources of that particular school. New school campuses shall develop a CSSP within one year of initiating operations. (Education Code 32281, 32286)

The CSSP shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the school site.

The CSSP(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

As necessary, the Superintendent or designee shall provide CSSP training to all school staff.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education (CDE) of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a CSSP that addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with representative(s) of employee bargaining unit(s), if they choose to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, and approve the tactical response plan, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Safety Plan(s) Access and Reporting

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

However, those portions of the CSSP that include tactical responses to criminal incidents shall not be publicly disclosed.

The Superintendent or designee shall share the CSSPs and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

The Superintendent or designee shall also provide data to CDE pertaining to lockdown or multi-option response drills conducted at district schools in accordance with Education Code 32289.5. (Education Code 32289.5)

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Ed. Code 32260-32262	<u>Interagency School Safety Demonstration Act of 1985</u>
Ed. Code 32270	<u>School safety cadre</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 32290	<u>Safety devices</u>
Ed. Code 35147	<u>School site councils and advisory committees</u>
Ed. Code 35183	<u>School dress code; uniforms</u>
Ed. Code 35266	<u>Reporting of cyberattacks</u>
Ed. Code 35291	<u>Rules</u>
Ed. Code 35291.5	<u>School-adopted discipline rules</u>
Ed. Code 41020	<u>Requirement for annual audit</u>
Ed. Code 48900-48927	<u>Suspension and expulsion</u>
Ed. Code 48950	<u>Speech and other communication</u>
Ed. Code 48980	<u>Parent/Guardian notifications</u>

Policy 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~07/01/2007 | Last Revised Date: ~~09/24/2024~~06/01/2025 |
Last Reviewed Date: ~~09/24/2024~~06/01/2025

~~To enhance communication~~

~~The Governing Board recognizes the value of district and school websites to communicate~~ with students, parents/guardians, staff, and community members, ~~the Governing Board encourages the~~. ~~The~~ Superintendent or designee ~~to develop and~~shall 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 Board Policy 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.

OPTION 1: (Photographs released)

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 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 Board Policy and Administrative Regulation 5125.1 - Release of Directory Information.

END OF OPTION 1

OPTION 2: (Photographs not released)

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 websites.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school websites.

The home address~~es~~, telephone number, or both the name and assessor parcel number associated with the home address 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:

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Policy 1113: District And School Websites

Status: ADOPTED

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

The Governing Board recognizes the value of district and school websites to communicate with students, parents/guardians, staff, and community members. The Superintendent or designee shall maintain district and school websites. The use of district and school websites shall support the district's vision and goals and 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 Board Policy 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.

OPTION 1: (Photographs released)

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 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 Board Policy and Administrative Regulation ³

END OF OPTION 1

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, telephone number, or both the name and assessor parcel number associated with the home address 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)

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. and Prof. Code 22580-22582	<u>Privacy rights for California minors in the digital world</u>
Bus. and Prof. Code 22584-22585	<u>Student Online Personal Information Protection Act</u>
Bus. and Prof. Code 22586-22587	<u>Early Learning Personal Information Protection Act</u>
Ed. Code 234.1	Policy prohibiting discrimination, harassment, intimidation, and bullying
Ed. Code 234.6	Resources on neurodiversity
Ed. Code 32526	<u>Use of learning recovery funds</u>
Ed. Code 33353	<u>California Interscholastic Federation; standardized incident form</u>
Ed. Code 35182.5	<u>Contracts for advertising</u>
Ed. Code 35258	<u>Internet access to school accountability report cards</u>
Ed. Code 42103	<u>Budget notification</u>
Ed. Code 48852.6	<u>Information regarding homelessness</u>

Policy 3311: Bids

Status: ADOPTED

Original Adopted Date: 08/~~25/2009~~01/2013 | Last Revised Date: ~~05/08/2018~~03/01/2025 |
Last Reviewed Date: ~~05/08/2018~~03/01/2025

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements ~~regarding contracting after~~for competitive bidding. (Public Contract Code 20116,~~22033~~)

)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with ~~law~~Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders ~~and shall address~~on the ~~issues covered by the~~standardized basis of a completed questionnaire and ~~model guidelines developed by the~~Department of Industrial Relations pursuant to Public Contract Code 20101.

financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid ~~specifications~~specifications clearly ~~describes~~describe in appropriate detail the quality, delivery, ~~and~~ service required, and ~~includes~~include all information ~~of~~ which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

~~Except as authorized by law and specified in the administrative regulation, contracts~~

Award of Contract

Contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

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1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
 2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
 3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
 4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
 5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
 6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the

project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Bids Not Required

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property, including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118)

Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property,

the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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 ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. Code 7056	<u>General engineering contractor</u>
Bus. Code 7057	<u>General building contractor</u>
CA Constitution, Article 2, Section 31(a)	Prohibition of discrimination in operation of public education
Code of Civil Procedure 446	<u>Verification of pleadings</u>
Ed. Code 17070.10-17079.30	<u>Leroy F. Greene School Facilities Act</u>
Ed. Code 17250.10-17250.52	Design-build contracts
Ed. Code 17250.60-17250.69	<u>Alternative design-build contracts</u>
Ed. Code 17400	Leasing Property
Ed. Code 17406	<u>Lease-leaseback contract</u>
Ed. Code 17595	<u>Purchase of supplies through Department of General Services</u>
Ed. Code 17602	<u>Purchase of surplus property from federal agencies</u>
Ed. Code 38083	<u>Purchase of perishable foodstuffs and seasonal commodities</u>
Ed. Code 38110-38120	<u>Apparatus and supplies</u>
Ed. Code 39802	<u>Transportation services</u>
Gov. Code 4217.10-4217.18	<u>Energy conservation contracts</u>
Gov. Code 4330-4334	<u>California made materials</u>
Gov. Code 53060	<u>Special services and advice</u>
Gov. Code 54201-54205	<u>Purchase of supplies and equipment by local agencies</u>
Gov. Code 7920.530	<u>Public record; definition</u>
Pub. Cont. Code 1102	<u>Emergency; definition</u>
Pub. Cont. Code 1103	<u>Responsible bidder; definition</u>

Policy 3311: Bids

Status: ADOPTED

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

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, service required, and include all information of which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Award of Contract

Contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest

bidder (Education Code 39802)

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Bids Not Required

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property, including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118)

Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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State	Description
Bus. Code 7056	<u>General engineering contractor</u>
Bus. Code 7057	<u>General building contractor</u>
CA Constitution, Article 2, Section 31(a)	Prohibition of discrimination in operation of public education
Code of Civil Procedure 446	<u>Verification of pleadings</u>
Ed. Code 17070.10-17079.30	<u>Leroy F. Greene School Facilities Act</u>
Ed. Code 17250.10-17250.52	Design-build contracts
Ed. Code 17250.60-17250.69	<u>Alternative design-build contracts</u>
Ed. Code 17400	Leasing Property
Ed. Code 17406	<u>Lease-leaseback contract</u>
Ed. Code 17595	<u>Purchase of supplies through Department of General Services</u>
Ed. Code 17602	<u>Purchase of surplus property from federal agencies</u>
Ed. Code 38083	<u>Purchase of perishable foodstuffs and seasonal commodities</u>

**Policy 3311.1: Uniform Public Construction Cost Accounting
Procedures**

Status: ADOPTED

Original Adopted Date: ~~05/08/2018~~12/01/2016 | **Last Revised Date:** 03/01/2025 | **Last
Reviewed Date:** ~~05/08/2018~~03/01/2025

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA) pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. ~~(Public Contract Code 22033)~~

~~Projects awarded through the~~ (Public Contract Code 22033)

If after the first invitation of bids pursuant to informal or formal bidding procedures under UPCCAA all bids are rejected, the Board may, by passage of a resolution by four-fifths vote, declare the project can be performed more economically by the employees of the district. (Public Contract Code 22038)

Projects awarded through UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

Emergency Actions

When formal bids are required by law, but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a¹

facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

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Policy Reference Disclaimer:

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State

Pub. Cont. Code 1102

Description

[Emergency; definition](#)

Pub. Cont. Code 20110-20118.4

[Local Agency Public Construction Act; school districts](#)

Pub. Cont. Code 22000-22045

[Uniform Public Construction Cost Accounting Act](#)

Pub. Cont. Code 22050

[Emergency contracting procedures](#)

Management Resources

Description

CA Uniform Construction Cost Accounting Comm. Pub.

[Cost Accounting Policies and Procedures Manual, 2021](#)

CA Uniform Construction Cost Accounting Comm. Pub.

[Frequently Asked Questions, September 2022](#)

Website

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

Website

[California Uniform Construction Cost Accounting Commission](#)

Website

[CSBA](#)

Website

[California Association of School Business Officials](#)

Cross References

Code

Description

3311

[BidsBids](#)

3311

[BidsBids](#)

3312

[ContractsContracts](#)

7000

[Concepts And RolesConcepts And Roles](#)

7110

[Facilities Master PlanFacilities Master Plan](#)

**Policy 3311.1: Uniform Public Construction Cost Accounting
Procedures**

Status: ADOPTED

Original Adopted Date: 05/08/2018 | **Last Reviewed Date:** | **Last Revised Date:**

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA) pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

If after the first invitation of bids pursuant to informal or formal bidding procedures under UPCCAA all bids are rejected, the Board may, by passage of a resolution by four-fifths vote, declare the project can be performed more economically by the employees of the district. (Public Contract Code 22038)

Projects awarded through UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

Emergency Actions

When formal bids are required by law, but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 1102, 22035, 22050)

Policy Reference Disclaimer:

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State	Description
Pub. Cont. Code 1102	<u>Emergency; definition</u>
Pub. Cont. Code 20110-20118.4	<u>Local Agency Public Construction Act; school districts</u>
Pub. Cont. Code 22000-22045	<u>Uniform Public Construction Cost Accounting Act</u>
Pub. Cont. Code 22050	<u>Emergency contracting procedures</u>
Management Resources	Description
CA Uniform Construction Cost Accounting Comm. Pub.	<u>Cost Accounting Policies and Procedures Manual, 2021</u>
CA Uniform Construction Cost Accounting Comm. Pub.	<u>Frequently Asked Questions, September 2022</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Uniform Construction Cost Accounting Commission</u>
Website	<u>CSBA</u>
Website	<u>California Association of School Business Officials</u>

Cross References

Code	Description
3311	Bids
3311	Bids
3312	Contracts
7000	Concepts And Roles
7110	Facilities Master Plan
9323.2	Actions By The Board
9323.2	Actions By The Board

Policy 3312: Contracts

Status: ADOPTED

Original Adopted Date: 08/25/2009 | Last Revised Date: 05/14/2024 | Last Reviewed Date: 05/14/2024

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's ~~interest is~~ interests are protected, ~~and~~ that the terms of the contract conform to any applicable legal standards, including ~~the, but not limited to,~~ bidding requirements in Public Contract Code 20111.

~~In addition,~~

Board members and district employees involved in the making of contracts on behalf of the district shall comply with applicable law and the district's conflict of interest policy, as specified in Board Bylaw 9270 - Conflict of Interest.

The Board may, by a majority vote, delegate to the Superintendent or designee(s) the authority to enter into contracts on behalf of the district up to the annual California public bidding threshold. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

~~Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure.~~ (Education Code 17604, 17605, 35161)

Unless otherwise exempt from disclosure under state or federal law, executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor, are public records to which members of the public shall have access. (Government Code 7928.801)

No contract shall prohibit a district employee from disparaging the goods or services of any contracting party.

(Education Code 35182.5)

If the district utilizes a private labor compliance entity, the Superintendent or designee shall verify that the entity does not have a conflict of interest. (Labor Code 1771.8)

A private labor compliance entity is a third-party company hired by a district to perform labor compliance and enforcement activities on public works projects on the district's behalf. (Labor Code 1771.8)

A conflict of interest is a situation in which a private labor compliance entity performs labor compliance work under contract for both the district and a contractor who is bidding a public works project for the district. (Labor Code 1771.8)

If the district's private labor compliance entity seeks to respond to an alleged conflict of interest, the Superintendent or designee shall confer with the entity and/or the contractor regarding the applicable contracts and relevant public works law. (Labor Code 1771.8)

Contracts for Non-~~nutritious~~ Nutritious Foods or Beverages

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction

specified in ~~the~~ applicable law.

Before the district enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. ~~-(Education Code 35182.5)~~

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include, but are ~~not-be~~ limited to, the following:

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property-

~~1.~~ Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

2. Procedures to ensure that district personnel do not handle cash or product at the school site-

~~2.~~ The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education-

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals-

3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales-
~~The Superintendent or designee shall report these amounts to the Board on a regular basis.~~

The Superintendent or designee shall report these amounts to the Board on a regular basis.

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities-

4.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. -(Education Code 35182.5)

OPTION 1: (Annual public hearing to review and discuss existing and potential contracts)

The Board shall hold an annual public hearing to review and discuss all existing and potential contracts for the sale of foods and beverages on campus, including those sold as full meals or through competitive sales, fundraisers, or vending machines. The Board shall hold a public hearingmeeting for any contract not discussed at the annual public hearing. (Education Code 35182.5)

OPTION 1 ENDS HERE

OPTION 2: (Public hearing for the making or renewal of each contract)

The Board shall not enter into or renew any contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, on non-nutritious foods until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. -(Education Code 35182.5)

OPTION 2 ENDS HERE

The public hearing shall include, but not be limited to, a discussion of the nutritional value of foods and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the foods and beverages discussed; and barriers to student participation in school breakfast and lunch programs. -(Education Code 35182.5)

The contract shall be [a public record and shall be](#) accessible to the public ~~and~~. [The district](#) may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. ~~—~~

and may not enforce any such clause included by a contracting party. (Education Code 35182.5)

; Government Code 7928.801)

Contracts for Electronic Products or Services

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: ~~-(Education Code 35182.5)~~

1. Enters into the contract at a noticed, public hearing of the Board.
-
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
-
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
-
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning ~~center.~~
-centers
5. Offers parents/guardians the opportunity to request in writing that ~~their child~~the student not be exposed to the program that contains the advertising.

5. A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. ~~-(Education Code 49073.1)~~

~~Any such contract shall contain all of the following: (Education Code 49073.1)~~

Any such contract shall contain all of the following: (Education Code 49073.1)

1. An executed CA NDPA (Student Data Privacy Agreement) between the parties; which confirms that:
 1. A statement that student records continue to be the property of and under the control of the district
-
 2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
-
 3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
-

4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
-
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
-
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
-
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
-

8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g

8.9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

Contracts for Personal Services

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees; if the contract does not displace ~~school~~ district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the ~~numerous~~ conditions specified in Education Code 45103.1.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions ~~exists;~~ exist: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors
-
2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district
-
3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented
-
4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process
-
5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply
-
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed
-
7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
<u>5 CCR 15500</u>	<u>Food sales in elementary schools</u>
<u>5 CCR 15501</u>	<u>Food sales in high schools and junior high schools</u>
<u>5 CCR 15575-15578</u>	<u>Requirements for foods and beverages outside the federal meals program</u>

Policy 3312: Contracts

Status: ADOPTED

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

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interests are protected and that the terms of the contract conform to any applicable legal standards, including, but not limited to, bidding requirements in Public Contract Code 20111.

Board members and district employees involved in the making of contracts on behalf of the district shall comply with applicable law and the district's conflict of interest policy, as specified in Board Bylaw 9270 - Conflict of Interest.

The Board may, by a majority vote, delegate to the Superintendent or designee(s) the authority to enter into contracts on behalf of the district up to the annual California public bidding threshold. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board. (Education Code 17604, 17605, 35161)

Unless otherwise exempt from disclosure under state or federal law, executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor, are public records to which members of the public shall have access. (Government Code 7928.801)

No contract shall prohibit a district employee from disparaging the goods or services of any contracting party. (Education Code 35182.5)

If the district utilizes a private labor compliance entity, the Superintendent or designee shall verify that the entity does not have a conflict of interest. (Labor Code 1771.8)

A private labor compliance entity is a third-party company hired by a district to perform labor compliance and enforcement activities on public works projects on the district's behalf. (Labor Code 1771.8)

A conflict of interest is a situation in which a private labor compliance entity performs labor compliance work under contract for both the district and a contractor who is bidding a public works project for the district. (Labor Code 1771.8)

If the district's private labor compliance entity seeks to respond to an alleged conflict of interest, the Superintendent or designee shall confer with the entity and/or the contractor regarding the applicable contracts and relevant public works law. (Labor Code 1771.8)

Contracts for Non-Nutritious Foods or Beverages

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in applicable law.

Before the district enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include, but are not limited to, the following:

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property

Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

2. Procedures to ensure that district personnel do not handle cash or product at the school site

The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals
3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales

The Superintendent or designee shall report these amounts to the Board on a regular basis.

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

OPTION 2: (Public hearing for the making or renewal of each contract)

The Board shall not enter into or renew any contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, on non-nutritious foods until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

OPTION 2 ENDS HERE

The public hearing shall include, but not be limited to, a discussion of the nutritional value of foods and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the foods and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

The contract shall be a public record and shall be accessible to the public. The district may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public and may not enforce any such clause included by a contracting party. (Education Code 35182.5; Government Code 7928.801)

Contracts for Electronic Products or Services

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed public hearing of the Board
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to

permit dissemination of advertising to students

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning centers
5. Offers parents/guardians the opportunity to request in writing that the student not be exposed to the program that contains the advertising

A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. An executed CA NDPA (Student Data Privacy Agreement) between the parties; which confirms that:
A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

Contracts for Personal Services

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees if the contract does not displace district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the conditions specified in Education Code 45103.1.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exist: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors

2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district
3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented
4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process
5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed
7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose

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 15500	Food sales in elementary schools
5 CCR 15501	Food sales in high schools and junior high schools
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 14505	Provisions required in contracts for audits
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17595-17606	Contracts
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 35161	Governing boards; powers and duties
Ed. Code 35182.5	Contracts for advertising
Ed. Code 45103.1	Personal services contracts
Ed. Code 45103.5	Contracts for management consulting services; restrictions

Board District Policy Manual
Alameda Unified School District
CSBA Policy Management Console

Policy 3320: Claims And Actions Against The District Status: ADOPTED

Original Adopted Date: 08/2503/01/2009 | Last Revised
Date: 07/06/201812/01/2024 | Last Reviewed Date:
07/06/201812/01/2024

Claim Presentation Requirements

Any and all claims for money or damages against the District must be presented to and acted upon in accordance with Governing Board Policy 3320 and Administrative Regulation 3320 which have been adopted by the Governing Board pursuant to Government Code Section 935. Compliance with these District Claim Procedures is a prerequisite to any court action, including specifically those claims excepted by Government Code Section 905, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in the Government Code.

This policy is effective immediately and applies retroactively to any and all claims, including to claims which accrued prior to the enactment of this policy.

The Governing Board desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in this Board policy. (Government Code 935)

Unless otherwise provided by law, a written claim shall be presented to and acted upon by **Business Services** the Board in accordance with such procedures prior to filing a lawsuit against the district for money or damages.

Commented [1]: in line with previous policy

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

Time Limitations

The following time limitations apply to the presentation of claims for money or damages against the district:

1. Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to Business Services office~~the Board~~ not later than six months after the accrual of the cause of action (Government Code 911.2)
2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action (Government Code 911.2)
3. Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905, that are subject to a claims presentation procedure in another statute or regulation, shall be presented to the Business Services office~~Board~~ in accordance with the applicable governing statute or regulation (Government Code 905)
4. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Business Services office~~Board~~ within the time limits specified in Items #1 and 2 above, depending on the applicable cause of action (Government Code 911.2, 935)

Receipt of Claims

A claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office by Business Services. ~~or by the Board secretary or clerk.~~ (Government Code 915, 915.2)

A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's JPA or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed

If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case as specified in Code of Civil Procedure 85 and 86.

7. The signature of the claimant or the person acting on the claimant's behalf

Notice of Claim Insufficiency

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8)

The District ~~The Board~~ shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided in "Time Limitations" above or prior to final action by the ~~District, the Board~~, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to ~~the District~~the Board, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4)

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee shall, within 45 days, give written notice, in the manner specified in Government Code 911.3, that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The ~~District, Board~~ shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the ~~District, its JPA, and insurance providers, Board~~ provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The ~~District Board~~ shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government Code 915.4.

If the ~~District Board~~ does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Action on Claims

Within 45 days after the presentation or amendment of a claim, the ~~District, its JPA or insurance provider, Board~~ shall take action on the claim. This time limit may be extended by written agreement between the district, ~~its JPA and insurance providers~~, and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The ~~District Board~~ may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the ~~District~~Board finds that the claim is not a proper charge against the district, the claim shall be rejected
2. If the ~~District~~Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed
3. If the ~~District~~Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance
4. If legal liability of the district or the amount justly due is disputed, the ~~District, its JPA or insurance provider, Board~~ may reject or compromise the claim
5. If the ~~District Board~~ takes no action on the claim, the claim shall be deemed rejected

In accordance with Government Code 935.4, the Board delegates to the Superintendent and Assistant Superintendents, the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

If the District~~If the Board, or Superintendent when appropriate,~~ allows the claim, in whole or in part, or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the ~~District~~Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall be provided in the manner specified in Government Code 915.4. (Government Code 913)

Registry of Public Agencies

Within 10 days of any change in the full, legal name of the district, the mailing address of the Board, or the names, titles, and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

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

Code of Civil Procedure 340.1

Description

Action for recovery of damages suffered as result of childhood sexual assault

Code of Civil Procedure 340.11

Action for recovery of damages suffered as a result of childhood sexual assault that occurred before January 1, 2024

Policy 3320: Claims And Actions Against The District **Status: ADOPTED**

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

The Governing Board desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in this Board policy. (Government Code 935)

Unless otherwise provided by law, a written claim shall be presented to and acted upon by Business Services in accordance with such procedures prior to filing a lawsuit against the district for money or damages.

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

Time Limitations

The following time limitations apply to the presentation of claims for money or damages against the district:

1. Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to Business Services office not later than six months after the accrual of the cause of action (Government Code 911.2)
2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action (Government Code 911.2)
3. Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905, that are subject to a claims presentation procedure in another statute or regulation, shall be presented to the Business Services office in accordance with the applicable governing statute or regulation (Government Code 905)

4. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Business Services office within the time limits specified in Items #1 and 2 above, depending on the applicable cause of action (Government Code 911.2, 935)

Receipt of Claims

A claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office by Business Services. (Government Code 915, 915.2)

A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's JPA or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed

If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case as specified in Code of Civil Procedure 85 and 86.

7. The signature of the claimant or the person acting on the claimant's behalf

Notice of Claim Insufficiency

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in

the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8)

The District shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided in "Time Limitations" above or prior to final action by the District,, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to the District, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4)

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee shall, within 45 days, give written notice, in the manner specified in Government Code 911.3, that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The District shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the District, its JPA, and insurance providers, provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The District shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government

Code 915.4.

If the District does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Action on Claims

Within 45 days after the presentation or amendment of a claim, the District, its JPA or insurance provider, shall take action on the claim. This time limit may be extended by written agreement between the district, its JPA and insurance providers, and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The District may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the District finds that the claim is not a proper charge against the district, the claim shall be rejected
2. If the District finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed
3. If the District finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance
4. If legal liability of the district or the amount justly due is disputed, the District, its JPA or insurance provider, may reject or compromise the claim
5. If the District takes no action on the claim, the claim shall be deemed rejected

In accordance with Government Code 935.4, the Board delegates to the Superintendent and Assistant Superintendents, the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

If the District allows the claim, in whole or in part, or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the District may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

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Code of Civil Procedure 340.1

Description

Action for recovery of damages suffered as result of childhood sexual assault

Code of Civil Procedure 340.11

Action for recovery of damages suffered as a result of childhood sexual assault that occurred before January 1, 2024

Code of Civil Procedure 85-86

Limited civil cases; amount in controversy

Ed. Code 35200

[Liability for debts and contracts](#)

Ed. Code 35202

[Claims against districts; applicability of Government Code](#)

Gov. Code 53051

[Information filed with secretary of state and county clerk](#)

Gov. Code 6500-6536

[Joint powers agreements](#)

Gov. Code 800

[Cost in civil actions](#)

Gov. Code 810-996.6

[Government Claims Act](#)

Pen. Code 72

[Fraudulent claims](#)

Management Resources**Description**

Court Decision

Hovd v. Hayward Unified School District (1977) 74 Cal.App.3d 470

Court Decision

Stockett v. Association of California Water Agencies Joint Powers Insurance Authority (2004) 34 Cal.4th 441

Court Decision

City of Stockton v. Superior Court (2007) 42 Cal. 4th 730

Court Decision

Connelly v. County of Fresno (2006) 146 Cal.App.4th 29

Court Decision

CSEA v. Azusa Unified School District (1984) 152 Cal.App.3d 580

Court Decision

CSEA v. South Orange Community College District (2004) 124 Cal.App.4th 574

Policy 3515.5: Sex Offender Notification

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~02/01/1999 | Last Revised Date: 12/01/2024 | Last Reviewed Date: 12/01/2024

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing ~~Board of Education~~ believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

~~To protect the~~

~~Any district and its employees from liability, employees shall disseminate employee to whom sex offender information in good faith, and is disclosed by a law enforcement entity shall disclose the information only in the manner and to the extent when~~ authorized by the law enforcement ~~agency.~~

~~entity and in the manner authorized.~~

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's ~~Internet website.~~ Megan's Law website.

Role of District Police/Security Department

In accordance with law, Board policy and administrative regulation, the district police/security department may disseminate information about registered sex offenders to the school community. The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

When a registered sex offender's email address or username used for instant messaging or social networking or other internet identifier, as defined in Penal Code 290.024, is submitted to the district police/security department, such information shall only be used by the department or released to another law enforcement entity for the purpose of investigating a sex-related crime, a kidnapping, or human trafficking. No other disclosure shall be made or authorized by the

department, except as required by a court order. (Penal Code 290.45)

The district police/security department shall maintain records of the means and dates of dissemination for five years. (Penal Code 290.45)

Policy Reference Disclaimer:

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State

Ed. Code 32211

Description

Threatened disruption or interference with classes

Ed. Code 35160

Authority of governing boards

Ed. Code 35160.1

Broad authority of school districts

Ed. Code 48981

Parental notifications

Ed. Code 48985

Translation of notifications

Pen. Code 290

Registration of sex offenders

Pen. Code 290.024

Internet identifiers; definition

Pen. Code 290.4

Information regarding sex offenders

Pen. Code 290.45

Sex offenders; authority of peace officers to provide information

Pen. Code 290.46

Making information about certain sex offenders available via the Internet

Pen. Code 290.9

Addresses of persons who violate duty to register

Pen. Code 290.95

Disclosure by person required to register as sex offender

Pen. Code 3003

Parole; geographic placement

Pen. Code 626.8

Disruptions

Pen. Code 626.81

Sex offender; permission to volunteer at school

Pen. Code 830.32

School district and community college police

Federal

42 USC 14071

Description

Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program Act

Management Resources

Attorney General Opinion

Description

82 Ops.Cal.Atty.Gen. 20 (1999)

Policy 3515.5: Sex Offender Notification

Status: ADOPTED

Original Adopted Date: 08/25/2009

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

Any district employee to whom sex offender information is disclosed by a law enforcement entity shall disclose the information only when authorized by the law enforcement entity and in the manner authorized.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Megan's Law website.

Role of District Police/Security Department

In accordance with law, Board policy and administrative regulation, the district police/security department may disseminate information about registered sex offenders to the school community. The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

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The district police/security department shall maintain records of the means and dates of dissemination for five years. (Penal Code 290.45)

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Policy 3580: District Records

Status: ADOPTED

Original Adopted Date: 11/~~15/2016~~01/2009 | Last Revised Date: 03/01/2025 | Last Reviewed Date: ~~11/15/2016~~03/01/2025

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft:

, including damage, loss, or theft which may be caused by cybersecurity breaches.

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold or California Public Records Act request established on the advice of legal counsel.

Additionally, the Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect district records from breaches to the district's digital infrastructure.

If the district discovers or is notified that a breach ~~of~~in the security of district records ~~containing unencrypted has resulted in the release of~~ personal information ~~has occurred~~, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person , if that information was either unencrypted or encrypted under the circumstances specified in Civil Code 1798.29. "Personal information" includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

If the district experiences a cyberattack that impacts more than 500 students or personnel, the Superintendent or designee shall report the cyberattack to the California Cybersecurity Integration Center. (Education Code 35266)

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

Records containing a participant's confidential address information shall be kept in a confidential location and not shared with the public.

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Policy Reference Disclaimer:

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State	Description
5 CCR 16020-16022	<u>Records; general provisions</u>
5 CCR 16023-16027	<u>District records; retention and destruction</u>
5 CCR 430-438	<u>Individual student records</u>
Civ. Code 1798.29	<u>District records; breach of security</u>
Code of Civil Procedure 1985.8	<u>Electronic Discovery Act</u>

Policy 3580: District Records

Status: ADOPTED

Original Adopted Date: 11/15/2016 | **Last Reviewed Date:** | **Last Revised Date:**

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft, including damage, loss, or theft which may be caused by cybersecurity breaches.

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold or California Public Records Act request established on the advice of legal counsel. Additionally, the Superintendent or designee shall ensure that employees receive information and training about cybersecurity, including ways to protect district records from breaches to the district's digital infrastructure.

If the district discovers or is notified that a breach in the security of district records has resulted in the release of personal information, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person, if that information was either unencrypted or encrypted under the circumstances specified in Civil Code 1798.29. "Personal information" includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

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When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

Records containing a participant's confidential address information shall be kept in a confidential location and not shared with the public.

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5 CCR 430-438	<u>Individual student records</u>
Civ. Code 1798.29	<u>District records; breach of security</u>
Code of Civil Procedure 1985.8	<u>Electronic Discovery Act</u>
Code of Civil Procedure 2031.010-2031.060	<u>Civil Discovery Act; scope of discovery demand</u>
Code of Civil Procedure 2031.210-2031.320	<u>Civil Discovery Act; response to inspection demand</u>
Ed. Code 35145	<u>Public meetings</u>
Ed. Code 35163	<u>Official actions, minutes and journal</u>
Ed. Code 35252-35255	<u>Records and reports</u>
Ed. Code 35266	Cybersecurity
Ed. Code 44031	<u>Personnel file contents and inspection</u>
Ed. Code 49065	<u>Reasonable charge for transcripts</u>
Ed. Code 49069.7	<u>Absolute right to access</u>
Gov. Code 11549.3	<u>Office of Information Security</u>

Policy 4033: Lactation Accommodation

Status: ADOPTED

Original Adopted Date: ~~05/13/2012~~07/01/2011 | Last Revised Date: ~~09/24/2024~~06/01/2025 |
Last Reviewed Date: ~~09/24/2024~~06/01/2025

The Governing Board recognizes the immediate and long-term health benefits of ~~breastfeeding~~breast milk and desires to provide a supportive environment for any district employee to express breast milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate district administrator in advance of the intent to request an accommodation. The supervisor or appropriate district administrator shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor or appropriate district administrator shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless there exist limited circumstances ~~exist~~, as specified in law. (Labor Code 1031, 1032; 29 USC 218d, 42 USC 2000gg-1)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute this policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

Break Time and Location Requirements

~~The~~

For at least a year after the birth of a child, the district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030; 42 USC 2000gg-1; ~~34 CFR 106.57~~)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 218d)

The employee shall be provided a lactation space which may be used by the employee for expressing breast milk ~~or breastfeeding~~ as needed. The lactation space shall be a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area, and shall meet the following requirements: (Labor Code 1031; 29 USC 218d; ~~34 CFR 106.57~~)

1. Is shielded from view and free from intrusion while the employee is expressing breast milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing breast milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

~~An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034) Complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.~~

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

~~In addition, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)~~

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State	Description
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
Civ. Code 43.3	Right of mothers to breastfeed in any public or private location
Ed. Code 200-262.4	Prohibition of discrimination
Gov. Code 12925-12954	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Lab. Code 1030-1034	Lactation Accommodation
Lab. Code 6382	Procedure for listing hazardous substances
Federal	Description
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
29 USC 218c	Fair Labor Standards Act; protections for employees
29 USC 218d	Fair Labor Standards Act; Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act
42 USC 2000gg-2000gg-6	Pregnant Workers Fairness Act
U.S. DoL, Wage and Hour Div., Publication	Education FAQs: Pump at Work Frequently Asked Questions
Management Resources	Description
CA Department of Industrial Relations Publication	Rest Periods/Lactation Accommodation, Frequently Asked Questions
California Civil Rights Department Decision	Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009
California Department of Public Health Publication	Lactation Accommodation for Employers
Office of the Surgeon General Publication	The Surgeon General's Call to Action to Support Breastfeeding, 2011
U.S. DoL, Wage and Hour Div., Publication	Frequently Asked Questions: Pumping Breast Milk at Work

Policy 4033: Lactation Accommodation

Status: ADOPTED

Original Adopted Date: 05/13/2012 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board recognizes the immediate and long-term health benefits of breast milk and desires to provide a supportive environment for any district employee to express breast milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate district administrator in advance of the intent to request an accommodation. The supervisor or appropriate district administrator shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor or appropriate district administrator shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless there exist limited circumstances, as specified in law. (Labor Code 1031, 1032; 29 USC 218d, 42 USC 2000gg-1)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute this policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

Break Time and Location Requirements

For at least a year after the birth of a child, the district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030; 42 USC 2000gg-1)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 218d)

The employee shall be provided a lactation space which may be used by the employee for expressing breast milk as needed. The lactation space shall be a private room or location, other than

a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area and shall meet the following requirements: (Labor Code 1031; 29 USC 218d)

1. Is shielded from view and free from intrusion while the employee is expressing breast milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing breast milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

Additionally, an employee may file a complaint with the Wage and Hour Division of the U.S Department of Labor for an alleged violation of the Providing Urgent Maternal Protections for Nursing Mothers Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

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 Governing 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 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
Civ. Code 43.3	Right of mothers to breastfeed in any public or private location
Ed. Code 200-262.4	Prohibition of discrimination
Gov. Code 12925-12954	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: ~~11/15/2016~~12/01/2013 | **Last Revised Date:** 06/01/14/2025 | **Last Reviewed Date:** 06/01/14/2025

The Governing Board recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, ~~medical~~ conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's ~~current, actual or potential, or past~~ pregnancy, childbirth, false pregnancy, termination of pregnancy, ~~lactation, or related medical~~ conditions or recovery. In addition, the district shall not adopt any rule concerning a student's actual, or potential, ~~or past~~ parental, family, or marital status that ~~discriminates against and/or~~ treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

~~The~~

In accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. ~~(Education Code 222.5, 48980)~~

~~Any employee who is informed by a student, or a person who has a legal right to act on behalf of a student, of a student's pregnancy or related conditions shall provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific acts to prevent sex discrimination, including sex-based harassment, and ensure the student's equal access to the district's education program or activity. (34 CFR 106.8)~~

~~When notified of a student's pregnancy or related conditions, the Title IX Coordinator shall provide the student, and if applicable the person who has a legal right to act on behalf of the student and who notified the Title IX Coordinator of the student's pregnancy or related conditions, with the district's notice of nondiscrimination, as specified in Administrative Regulation 5145.3 --(Education Code 222.5, 48980)~~

For district-related purposes, a student under 18 years of age who enters into a valid marriage is an emancipated minor who~~Nondiscrimination/Harassment and Exhibit (1) 5145.71 -- Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. The Title IX Coordinator shall also coordinate actions specified in 34 CFR 106.40 to prevent discrimination against, and ensure equal access to, the student, including the following: (34 CFR 106.44)~~

1. ~~Notifying the student that the district is required to not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions.~~

~~However, a student's voluntary participation in a separate portion of the district's education program or activity does not constitute prohibited discrimination if the district ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.~~

2. ~~To the extent consistent with 34 CFR 106.40(b)(3), ensuring that pregnancy or related conditions are treated in the same manner and under the same policies as any other temporary medical condition with respect to any medical or hospital benefit, service, plan, or policy the district administers, operates, offers, or participates in with respect to students admitted to the district's education program or activity.~~
3. ~~Informing the student that the district may not require the student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person verifying that the student is physically able to participate in the district's class, program, or extracurricular activity unless the certified level of physical ability of health is necessary for participation in the class, program, or extracurricular activity; the district requires such certification of all participating students; and, the information obtained is not used as a basis for Title IX discrimination.~~

~~For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)(Family Code 7002)~~

~~Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 - Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 - Work Permits, and access to student records as specified in Administrative Regulation 5125 - Student Records.~~

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting ~~students~~, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

The

If required for students with any other temporary disabling condition, the Superintendent or designee ~~shall not~~may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, ~~lactation~~, or related ~~medical~~ conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the ~~district's~~ education program or activity, ~~including an extracurricular activity, unless the certified level of physical ability is necessary for participation and such~~

~~certification is required of all students.~~ (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

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1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during ~~school~~district-sponsored activities
2. Parenting education and life skills instruction
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3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
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5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

~~Pregnant~~Students who are pregnant or parenting ~~students~~ may be excused for absences for medical appointments and other purposes specified in BP/AR Board Policy/Administrative Regulation 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

Parental Leave

A student who is pregnant or parenting, ~~or has a related condition,~~ shall be entitled to parental leave ~~in order to protect the health of the student and/or the infant, and to allow the student to care for and bond with the infant as permitted by law.~~ The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider, ~~or, if the district has a leave policy for which the student qualifies, the amount of time provided for in~~ ³

~~such policy.~~ Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if ~~age~~ 18 years of age or older, or the student's parent/guardian educational rights holder shall notify the school district of the student's intent to take parental leave, although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015; ~~34 CFR 106.40~~)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015; ~~34 CFR 106.40~~)

Upon return to school, a student who is pregnant or parenting ~~student~~ shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the district shall provide ~~reasonable~~ accommodations to enable a student who is pregnant or parenting, ~~or with related conditions,~~ to access the educational program. ~~The district shall consult with the student when identifying potential modifications. Any modification accepted by the student shall be implemented. Any proposed modification that would fundamentally alter the nature of the district's education program or activity shall not be implemented.~~ (34 CFR 106.40)

~~Reasonable modifications may include, but are not limited to: (34 CFR 106.40)~~

~~1.—Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom~~

~~-~~

~~2.—Intermittent absences to attend medical appointments~~

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~~3.—Access to online or homebound education~~

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~~4.—Changes in schedule or course sequence~~

-

~~5.—Extensions of time for coursework and rescheduling of tests and examinations~~

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~~6.—Allowing~~

Additionally, a student ~~to sit or stand, or carry or keep water nearby~~

-

~~7.—Counseling~~

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~~8.—Changes in physical space or supplies, such as access to a larger desk or a footrest~~

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~~9.—Elevator access~~

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~~10.—Any other change to policies, practices, or procedures~~

~~A student~~ who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who ~~has a related condition~~ must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The school district shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222; ~~34 CFR 106.40~~)

1. Access to a private and secure room, other than a restroom, ~~that is clean, shielded from view, and free from intrusion by others~~ to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of a student's current, actual or potential, ~~or past~~ pregnancy, family, or marital, or parental status; ~~district noncompliance with the requirements of Education Code 46015 or 34 CFR 106.40;~~ or district noncompliance with the requirement to provide reasonable accommodations for lactating students; shall be investigated and resolved in 5

accordance with ~~the Title IX grievance procedures as specified in 34 CFR 106.44 and 106.45 and Board Policy/Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment~~1312.3 - Uniform Complaint Procedures. ~~(Education Code 222, 46015; 5 CCR 4600-4670; 34 CFR 106.44, 106.45)~~

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support ~~current, potential, and past~~ married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, ~~school~~ attendance, graduation rate, and/or student feedback on district programs and services.

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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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101351-101439.1	Infant care centers
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4950	Nondiscrimination; marital and parental status
Ed. Code 221.51	Nondiscrimination; married, pregnant, and parenting students
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 230	Sex discrimination
Ed. Code 46015	Parental leave
Ed. Code 48050	Residents of adjoining states
Ed. Code 48205	Excused absences
Ed. Code 48206.3	Temporary disability; definition
Ed. Code 48220	Compulsory education requirement
Ed. Code 48410	Persons exempted from continuation classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49553	Nutrition supplements for pregnant/lactating students

Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: 11/15/2016 | **Last Revised Date:** 01/14/2025 | **Last Reviewed Date:** 01/14/2025

The Governing Board recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's actual or potential pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

In accordance with Board Policy/Exhibit(1) 5145.6 - Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For district-related purposes, a student under 18 years of age who enters into a valid marriage is an emancipated minor who shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 - Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 - Work Permits, and access to student records as specified in Administrative Regulation 5125 - Student Records.

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting, including any class or extracurricular activity, shall be equal to that offered to

other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during district-sponsored activities
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

Students who are pregnant or parenting may be excused for absences for medical appointments and other purposes specified in Board Policy/Administrative Regulation 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

Parental Leave

A student who is pregnant or parenting shall be entitled to parental leave as permitted by law. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34

The student, if 18 years of age or older, or the student's educational rights holder shall notify the district of the student's intent to take parental leave, although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. (Education Code 46015)

Upon return to school, a student who is pregnant or parenting shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the district shall provide accommodations to enable a student who is pregnant or parenting to access the educational program.

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The district shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk

3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of a student's actual or potential pregnancy, marital, or parental status; district noncompliance with the requirements of Education Code 46015; or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, attendance, graduation rate, and/or student feedback on district programs and services.

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101351-101439.1	Infant care centers
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4950	Nondiscrimination; marital and parental status
Ed. Code 221.51	Nondiscrimination; married, pregnant, and parenting students
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 230	Sex discrimination
Ed. Code 46015	Parental leave
Ed. Code 48050	Residents of adjoining states
Ed. Code 48205	Excused absences
Ed. Code 48206.3	Temporary disability; definition

Policy 6142.91: Reading/Language Arts Instruction

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~07/01/2005 | **Last Revised Date:** ~~08/12/2014~~06/01/2025 |
Last Reviewed Date: ~~08/12/2014~~06/01/2025

The Governing Board recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning, and develops students' appreciation for literature. The program shall integrate reading, and oral and written language arts activities in order to build effective communication skills, including listening, speaking, and composition.

For each grade level, the Board shall adopt instructional materials that meet or exceed the Common Core State Standards in the following strands:

~~For each grade level, the Board shall adopt academic standards that meet or exceed Common Core State Standards in the following strands:~~

1. Reading: Foundational skills, text complexity and analysis, and the growth of comprehension
2. Writing: Text types, responding to reading, production and distribution of writings, and research
3. Speaking and listening: Oral language development, comprehension, flexible communication, and collaboration
4. Language: Conventions, effective use, knowledge of language, and vocabulary

The Superintendent or designee shall ensure that the district's ~~reading/language arts~~ program offers sufficient access to standards-aligned textbooks and other instructional materials. The program shall provide instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

Screening for Risk of Reading Difficulties

The Board shall adopt, at a public meeting, one or more screening instruments to assess students in grades kindergarten-2 for risk of reading difficulties. The screening instrument(s) adopted by the Board shall provide assessments for both English-speaking and non-English speaking students, in languages reflecting the primary languages of students in the district, to the extent assessments in those languages are available. (Education Code 53008)

The district shall annually assess each student in grades kindergarten-2 for risk of reading difficulties. In determining when during the school year to screen students, the district shall consider whether students have received sufficient instruction in foundational reading skills to support a valid assessment. The district may provide additional student screenings or diagnostic evaluations, as appropriate. (Education Code 53008)

If a student enrolls for the first time in grades kindergarten-2 after the screening instrument(s) has been administered, the district shall assess the student within 45 calendar days of enrollment, unless either: (Education Code 53008)

1. The student's parent/guardian opts out of the screening in writing
2. The student's parent/guardian provides documentation or the district has documentation that the student has had a similar screening in their prior school for their current grade and the parent/guardian was made aware of the results

Students who do not speak sufficient English to be screened with an English-language instrument shall be screened in their primary language if a screening instrument in their primary language is available. If a screening instrument is not available in at least one language in which a student is proficient, the student shall be screened in accordance with Education Code 53008.

When a student acquires sufficient English language knowledge and fluency to be able to be assessed using the district's screening instrument, or if a screening instrument in their primary language becomes available, the district shall assess that student using the appropriate screening instrument. (Education Code 53008)

A student may be exempted from the screening for risk of reading difficulties if the parent/guardian provides prior written consent and the student meets any of the following criteria: (Education Code 53008)

1. Has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability
2. Is eligible for special education and related services pursuant to the Individuals with Disabilities Education Act (IDEA) or a plan pursuant to Section 504 of the Rehabilitation Act of 1973
3. Is in the process of being assessed for eligibility for special education and related services pursuant to IDEA or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, and the student is being evaluated with diagnostic assessments that make screening for risk of reading difficulties redundant

The district shall, no later than 15 calendar days before administration of the screening instrument(s), provide parents/guardians of students eligible for screening for risk of reading difficulties with information about the screening, including the date(s) of the screening and instructions for how parents/guardians can opt out of their child's screening. (Education Code 53008)

Staffing and Professional Development

Teachers are expected to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers. The program shall provide ongoing diagnosis of students' skills and, as needed, may provide supplementary instruction during the school day and/or outside the regular school session to assist students who are experiencing difficulty learning to read.

The Superintendent or designee shall make available professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' literacy levels, and mastery of a variety of instructional strategies and materials.

Employees administering screening instruments for risk of reading difficulties shall be appropriately trained to administer the instrument. (Education Code 53008)

Program Evaluation

The Superintendent or designee shall provide the Board with data from state and district reading assessments and program evaluations to enable the Board to monitor program effectiveness.

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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 Governing 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 11980-11985.6	Mathematics and Reading Professional Development Program (AB 466 trainings)
5 CCR 11991-11991.2	Reading First achievement index
Ed. Code 33530-33548	Instructional Quality Commission
Ed. Code 44755-44757.5	Teacher Reading Instruction Development Program, K-3
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51225.3	High school graduation requirements
Ed. Code 53008	Screening for risk of reading difficulties
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200.4	Fundamental skills

Ed. Code 60207	Curriculum frameworks
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 99220-99221	California Reading Professional Development Institutes
Ed. Code 99230-99242	Mathematics and Reading Professional Development Program (AB 466 trainings)
Federal	Description
20 USC 6381-6381k	Even Start Family Literacy Program
20 USC 6383	Improving literacy through school libraries
Management Resources	Description
California Department of Education Publication	California Comprehensive State Literacy Plan (Draft), rev. May 2025
California Department of Education Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014
California Department of Education Publication	Recommended Literature: Kindergarten Through Grade Twelve
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. March 2013
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0500	Accountability Accountability
4131	Staff Development Staff Development
4131	Staff Development Staff Development
4222	Teacher Aides/Paraprofessionals Teacher Aides/Paraprofessionals

4222	<u>Teacher Aides/Paraprofessionals</u> <u>Teacher Aides/Paraprofessionals</u>
4231	<u>Staff Development</u> <u>Staff Development</u>
4231	<u>Staff Development</u>
4331	<u>Staff Development</u> <u>Staff Development</u>
4331	<u>Staff Development</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>
6011	<u>Academic Standards</u> <u>Academic Standards</u>
6120	<u>Response To Instruction And Intervention</u> <u>Response To Instruction And Intervention</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>
<u>6141.4</u>	<u>International Baccalaureate Program</u>
6142.94	<u>History-Social Science Instruction</u> <u>History-Social Science Instruction</u>
6143	<u>Courses Of Study</u> <u>Courses Of Study</u>
6143	<u>Courses Of Study</u> <u>Courses Of Study</u>
6146.1	<u>High School Graduation Requirements</u> <u>High School Graduation Requirements</u>
6146.4	<u>Differential Graduation And Competency Standards For Students With Disabilities</u> <u>Differential Graduation And Competency Standards For Students With Disabilities</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection And Evaluation Of Instructional Materials</u>

6161.1- E PDF(1)	Selection And Evaluation Of Instructional Materials <u>Selection And Evaluation Of Instructional Materials</u>
6161.11	Supplementary Instructional Materials <u>Supplementary Instructional Materials</u>
6162.5	Student Assessment <u>Student Assessment</u>
6162.51	State Academic Achievement Tests <u>State Academic Achievement Tests</u>
6162.51	State Academic Achievement Tests <u>State Academic Achievement Tests</u>
6163.1	Library Media Centers <u>Library Media Centers</u>
6174 <u>6172</u>	Education For English Learners <u>Gifted And Talented Student Program</u>
<u>6172</u>	<u>Gifted And Talented Student Program</u>
6174	Education For English Learners <u>Education For English Learners</u>
6174- E PDF(1)	Education For English Learners <u>Education For English Learners</u>
6176	Weekend/Saturday Classes <u>Weekend/Saturday Classes</u>
6176	<u>Weekend/Saturday Classes</u>
6177	Summer Learning Programs <u>Summer Learning Programs</u>
6179	Supplemental Instruction <u>Supplemental Instruction</u>
6179	<u>Supplemental Instruction</u>
6190	Evaluation Of The Instructional Program <u>Evaluation Of The Instructional Program</u>

Policy 6142.91: Reading/Language Arts Instruction

Status: ADOPTED

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

The Governing Board recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning, and develops students' appreciation for literature. The program shall integrate reading, and oral and written language arts activities in order to build effective communication skills, including listening, speaking, and composition.

For each grade level, the Board shall adopt instructional materials that meet or exceed the Common Core State Standards in the following strands:

1. Reading: Foundational skills, text complexity and analysis, and the growth of comprehension
2. Writing: Text types, responding to reading, production and distribution of writings, and research
3. Speaking and listening: Oral language development, comprehension, flexible communication, and collaboration
4. Language: Conventions, effective use, knowledge of language, and vocabulary

The Superintendent or designee shall ensure that the district's program offers sufficient access to standards-aligned textbooks and other instructional materials. The program shall provide instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

Screening for Risk of Reading Difficulties

The Board shall adopt, at a public meeting, one or more screening instruments to assess students in grades kindergarten-2 for risk of reading difficulties. The screening instrument(s) adopted by the Board shall provide assessments for both English-speaking and non-English speaking students, in languages reflecting the primary languages of students in the district, to the extent assessments in those languages are available. (Education Code 53008)

The district shall annually assess each student in grades kindergarten-2 for risk of reading difficulties. In determining when during the school year to screen students, the district shall consider whether students have received sufficient instruction in foundational reading skills to support a valid assessment. The district may provide additional student screenings or diagnostic evaluations, as appropriate. (Education Code 53008)

If a student enrolls for the first time in grades kindergarten-2 after the screening instrument(s) has

been administered, the district shall assess the student within 45 calendar days of enrollment, unless either: (Education Code 53008)

1. The student's parent/guardian opts out of the screening in writing
2. The student's parent/guardian provides documentation or the district has documentation that the student has had a similar screening in their prior school for their current grade and the parent/guardian was made aware of the results

Students who do not speak sufficient English to be screened with an English-language instrument shall be screened in their primary language if a screening instrument in their primary language is available. If a screening instrument is not available in at least one language in which a student is proficient, the student shall be screened in accordance with Education Code 53008.

When a student acquires sufficient English language knowledge and fluency to be able to be assessed using the district's screening instrument, or if a screening instrument in their primary language becomes available, the district shall assess that student using the appropriate screening instrument. (Education Code 53008)

A student may be exempted from the screening for risk of reading difficulties if the parent/guardian provides prior written consent and the student meets any of the following criteria: (Education Code 53008)

1. Has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability
2. Is eligible for special education and related services pursuant to the Individuals with Disabilities Education Act (IDEA) or a plan pursuant to Section 504 of the Rehabilitation Act of 1973
3. Is in the process of being assessed for eligibility for special education and related services pursuant to IDEA or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, and the student is being evaluated with diagnostic assessments that make screening for risk of reading difficulties redundant

The district shall, no later than 15 calendar days before administration of the screening instrument(s), provide parents/guardians of students eligible for screening for risk of reading difficulties with information about the screening, including the date(s) of the screening and instructions for how parents/guardians can opt out of their child's screening. (Education Code 53008)

Staffing and Professional Development

Teachers are expected to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers. The program shall provide ongoing diagnosis of students' skills and, as needed, may provide supplementary instruction during the school day and/or outside the regular school session to assist students who are experiencing difficulty learning to read.

The Superintendent or designee shall make available professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language⁸

skills, the ability to analyze students' literacy levels, and mastery of a variety of instructional strategies and materials.

Employees administering screening instruments for risk of reading difficulties shall be appropriately trained to administer the instrument. (Education Code 53008)

Program Evaluation

The Superintendent or designee shall provide the Board with data from state and district reading assessments and program evaluations to enable the Board to monitor program effectiveness.

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 Governing 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 11980-11985.6	Mathematics and Reading Professional Development Program (AB 466 trainings)
5 CCR 11991-11991.2	Reading First achievement index
Ed. Code 33530-33548	Instructional Quality Commission
Ed. Code 44755-44757.5	Teacher Reading Instruction Development Program, K-3
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51225.3	High school graduation requirements
Ed. Code 53008	Screening for risk of reading difficulties
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60200.4	Fundamental skills
Ed. Code 60207	Curriculum frameworks
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 99220-99221	California Reading Professional Development Institutes
Ed. Code 99230-99242	Mathematics and Reading Professional Development Program (AB 466 trainings)

ALAMEDA UNIFIED SCHOOL DISTRICT
SPECIAL AGENDA ITEM

Item Title: CSBA Recommended Policy Updates Reflecting New Court Decision in Mahmoud v. Taylor (15 Mins/Action)

Item Type: Action

Background: The following policies were received in a special release by CSBA in August 2025. The Policies have been updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

Additionally, AR 6142.1 and AR 6142.8 have been updated to reflect changes that come into effect with the introduction of AB 2429 and AB 2024.

- BP/AR 6141.2 Recognition of Religious Beliefs and Customs
- BP/AR 6142.1 Sexual Health and HIV_AIDS Prevention Instruction
- BP/AR 6142.8 Comprehensive Health Education

After discussion, one of the following action steps will be taken:

1. The policy and administrative regulation will be added to the next Board Policy Subcommittee meeting for further discussion and possible revision by Subcommittee members.
2. The policy and administrative regulation will be added to the agenda for a regularly scheduled Board meeting so the full Board can weigh in on any further changes in public.
3. The policy and administrative regulation will be approved as is by the full Board at a regularly scheduled public Board meeting.

AUSD LCAP Goals:

Fiscal Analysis

Amount (Savings) (Cost):

Recommendation: Other

Submitted for review and discussion by staff.

AUSD Guiding Principle:

Submitted By: Kirsten Zazo, Assistant Superintendent of Educational Services

ATTACHMENTS:

	Description	Upload Date	Type
▣	BP 6141.2_Recognition of Religious Beliefs and Customs_Redline	9/30/2025	Backup Material
▣	AR 6141.2_Recognition of Religious Beliefs and Customs_Redline	9/30/2025	Backup Material
▣	BP 6142.1_Sexual Health and HIV/AIDS Prevention Instruction_Redline	9/30/2025	Backup Material
▣	AR 6142.1_Sexual Health and HIV/AIDS Prevention Instruction_Redline	9/30/2025	Backup Material
▣	BP 6142.8_Comprehensive Health Education-Redline	9/30/2025	Backup Material
▣	AR 6142.8_Comprehensive Health Education_Redline	9/30/2025	Backup Material
▣	CSBA Guide Sheet_9.25	9/30/2025	Backup Material

Policy 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~12/01/1988 | Last Revised Date: ~~05/14/2024~~08/01/2025 |
Last Reviewed Date: ~~05/14/2024~~08/01/2025

The Governing Board recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature, or the arts. The Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world and be consistent with the adopted instructional materials and state standards, as applicable.

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is forbidden in public schools. The Superintendent or designee shall ensure that instruction about religion does not promote or denigrate the beliefs or customs of any particular religion or sect, nor that a preference be shown for one religious viewpoint over another. ~~Staff members~~Teachers and other district staff shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces, and treat all religions and religious ~~conviction~~convictions, including nonbelief, with fairness and respect.

Staff shall not endorse, encourage, or solicit religious or anti-religious expression or activities among students during class time.

Staff shall not coerce students in prayer or other religious activities as part of their official duties. However, ~~Staff~~staff are not prohibited, when acting in their private capacity, from encouraging students' participation in personal prayer or other religious activity. Additionally, staff shall not prohibit or discourage any student from praying or otherwise expressing the student's religious belief so long as this does not disrupt the classroom or other ~~school~~district-sponsored activity.

Students may express their beliefs about religion in their homework, artwork, and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards, relevance, and other legitimate pedagogical objectives.

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the district. ~~School~~District-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and temporary in nature.

Classroom methods in instruction about religion shall not include religious role-playing activities or simulated religious devotional acts.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for ~~school~~district-sponsored activities and programs if presented in an objective manner and as a traditional part of cultural and religious heritage.

District schools shall not prohibit religious activities if the same or similar non-religious activities are permitted.

When required by law, the district shall notify parents/guardians that they may, via written request, opt their students out of instruction on the basis of their religious beliefs as specified in the accompanying administrative regulation. Students whose parents/guardians opt them out of such instruction may be offered an alternative activity of similar educational value. Additionally, a student shall not be subject to disciplinary action, academic penalty, or other sanction on the grounds that the student was opted out of such instruction.

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 38130-38139

Description

[Civic Center Act](#)

Ed. Code 46014

[Absences for religious purposes](#)

Ed. Code 51240

[Excuse from instruction due to religious beliefs](#)

Ed. Code 51511

[Religious matters properly included in courses of study](#)

Ed. Code 51930-51939

[California Healthy Youth Act](#)

Federal

20 USC 4071-4074

Description

Equal Access Act

20 USC 6061

[School prayer](#)

20 USC 7904

[School prayer](#)

Management Resources

California Department of Education
Publication

Description

[Appendix F history social science framework for California public schools](#)

Court Decision	Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)
Court Decision	Florey v. Sioux Falls (1980) 619 F.2d 1311
Court Decision	Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092
Court Decision	Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979
Court Decision	Lemon v. Kurtzman (1971) 403 U.S. 602
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And ActivitiesNondiscrimination In District Programs And Activities
0450	Comprehensive Safety PlanComprehensive Safety Plan
0450	Comprehensive Safety PlanComprehensive Safety Plan
1325	Advertising And PromotionAdvertising And Promotion
1330	Use Of School FacilitiesUse Of School Facilities
1330	Use Of School FacilitiesUse Of School Facilities
1330-E PDF(1)	Use Of School Facilities
5113	Absences And ExcusesAbsences And Excuses
5113	Absences And ExcusesAbsences And Excuses

5121	<u>Grades/Evaluation Of Student Achievement</u> <u>Grades/Evaluation Of Student Achievement</u>
5121	<u>Grades/Evaluation Of Student Achievement</u> <u>Grades/Evaluation Of Student Achievement</u>
5127	<u>Graduation Ceremonies And Activities</u> <u>Graduation Ceremonies And Activities</u>
5132	<u>Dress And Grooming</u> <u>Dress And Grooming</u>
5132	<u>Dress And Grooming</u> <u>Dress And Grooming</u>
5141.31	<u>Immunizations</u> <u>Immunizations</u>
5141.31	<u>Immunizations</u> <u>Immunizations</u>
5145.2	<u>Freedom Of Speech/Expression</u> <u>Freedom Of Speech/Expression</u>
5145.2	<u>Freedom Of Speech/Expression</u> <u>Freedom Of Speech/Expression</u>
6111	<u>School Calendar</u> <u>School Calendar</u>
6115	<u>Ceremonies And Observances</u> <u>Ceremonies And Observances</u>
6115	<u>Ceremonies And Observances</u> <u>Ceremonies And Observances</u>
6142.8	<u>Comprehensive Health Education</u> <u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u> <u>Comprehensive Health Education</u>
6142.93	<u>Science Instruction</u> <u>Science Instruction</u>
6142.94	<u>History-Social Science Instruction</u> <u>History-Social Science Instruction</u>
6143	<u>Courses Of Study</u> <u>Courses Of Study</u>
6143	<u>Courses Of Study</u> <u>Courses Of Study</u>
6144	<u>Controversial Issues</u> <u>Controversial Issues</u>
6144	<u>Controversial Issues</u>
6145.5	<u>Student Organizations And Equal Access</u> <u>Student Organizations And Equal Access</u>

6145.5	Student Organizations And Equal Access <u>Student Organizations And Equal Access</u>
6145.8	Assemblies And Special Events <u>Assemblies And Special Events</u>
6154	Homework/Makeup Work <u>Homework/Makeup Work</u>
6154	Homework/Makeup Work <u>Homework/Makeup Work</u>
6154-E PDF(1)	Homework/Makeup Work <u>Homework/Makeup Work</u>
6161.11	Supplementary Instructional Materials <u>Supplementary Instructional Materials</u>
6176	Weekend/Saturday Classes <u>Weekend/Saturday Classes</u>
6176	Weekend/Saturday Classes <u>Weekend/Saturday Classes</u>

Regulation 6141.2: Recognition Of Religious Beliefs And Customs

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~05/01/1985 | **Last Revised Date:** ~~04/16/2024~~08/01/2025 |
Last Reviewed Date: ~~04/16/2024~~08/01/2025

The Superintendent or designee shall ensure the following for the recognition of religious beliefs and customs in district schools:

1. The approach to religion is academic and not devotional
2. The goal is for student awareness of religion in historical and contemporary societies
3. The students may not be pressed to accept any one religion
4. The school may include the study of religion as part of the history-social science curriculum, but the practice of religions may not be sponsored
5. The students may be exposed to and educated about a diversity of religious views and beliefs, but a particular view or belief may not be imposed, nor may any one religion be promoted or denigrated

Staff shall make every effort to schedule one-time events, such as examinations, ~~school~~district-sponsored trips, special laboratories, picture-taking days, and class parties, to minimize conflicts with major religious holidays of all faiths such that no one faith is disproportionately impacted.

Programs and Exhibits

When ~~school~~district programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that ~~school~~district-sponsored programs are presented in an objective manner, consistent with the accompanying Board policy.
2. The principal or designee shall be kept informed of the program's development.
3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body, and staff.

-Opt-Outs

When a parent/guardian submits a written request to opt the parent's/guardian's student out of instruction based on religious beliefs, customs, or practices, the request shall include the following:

1. The specific instructional content of which the student should be opted out
2. The specific religious belief(s), custom(s), and/or practice(s) with which the specific instructional content substantially interferes
3. How the specific instructional content substantially interferes with the specific religious belief(s), custom(s), and/or practice(s), including any grade level or individual student characteristics relevant to the opt-out request

As necessary, the Superintendent or designee may work with district legal counsel to evaluate each opt-out request and determine whether it shall be granted.

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 Governing 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 38130-38139	Civic Center Act
Ed. Code 46014	Absences for religious purposes
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51930-51939	California Healthy Youth Act
Federal	Description
20 USC 4071-4074	Equal Access Act
20 USC 6061	School prayer
20 USC 7904	School prayer
Management Resources	Description
California Department of Education Publication	Appendix F history social science framework for California public schools
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)
Court Decision	Florey v. Sioux Falls (1980) 619 F.2d 1311
Court Decision	Fellowship of Christian Athletes v. San Jose Unified School District Board of Education (2023) 82 F.4th 664
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Cole v. Oroville Union High School District (2000, 9th Cir.) 228 F.3d 1092

Court Decision	Lassonde v. Pleasanton Unified School District (2003, 9th Cir.) 320 F.3d 979
Court Decision	Lemon v. Kurtzman (1971) 403 U.S. 602
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan Comprehensive Safety Plan
0450	Comprehensive Safety Plan Comprehensive Safety Plan
1325	Advertising And Promotion Advertising And Promotion
1330	Use Of School Facilities Use Of School Facilities
1330	Use Of School Facilities Use Of School Facilities
1330-E PDF(1)	Use Of School Facilities
5113	Absences And Excuses Absences And Excuses
5113	Absences And Excuses Absences And Excuses
5121	Grades/Evaluation Of Student Achievement Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement Grades/Evaluation Of Student Achievement
5127	Graduation Ceremonies And Activities Graduation Ceremonies And Activities
5132	Dress And Grooming Dress And Grooming

5132	<u>Dress And GroomingDress And Grooming</u>
5141.31	<u>ImmunizationsImmunizations</u>
5141.31	<u>ImmunizationsImmunizations</u>
5145.2	<u>Freedom Of Speech/ExpressionFreedom Of Speech/Expression</u>
5145.2	<u>Freedom Of Speech/ExpressionFreedom Of Speech/Expression</u>
6111	<u>School CalendarSchool Calendar</u>
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6115	<u>Ceremonies And ObservancesCeremonies And Observances</u>
6142.8	<u>Comprehensive Health EducationComprehensive Health Education</u>
6142.8	<u>Comprehensive Health EducationComprehensive Health Education</u>
6142.93	<u>Science InstructionScience Instruction</u>
6142.94	<u>History-Social Science InstructionHistory-Social Science Instruction</u>
6143	<u>Courses Of StudyCourses Of Study</u>
6143	<u>Courses Of StudyCourses Of Study</u>
6144	<u>Controversial IssuesControversial Issues</u>
6144	<u>Controversial Issues</u>
6145.5	<u>Student Organizations And Equal AccessStudent Organizations And Equal Access</u>
6145.5	<u>Student Organizations And Equal AccessStudent Organizations And Equal Access</u>
6145.8	<u>Assemblies And Special EventsAssemblies And Special Events</u>
6154	<u>Homework/Makeup WorkHomework/Makeup Work</u>
6154	<u>Homework/Makeup Work</u>
6154-E PDF(1)	<u>Homework/Makeup Work</u>

6161.11

Supplementary Instructional MaterialsSupplementary Instructional Materials

6176

Weekend/Saturday ClassesWeekend/Saturday Classes

~~6176~~

Weekend/Saturday Classes

Policy 6142.1: Sexual Health And HIV/AIDS Prevention Instruction

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~07/01/2008 | **Last Revised Date:** ~~03/22/2022~~08/01/2025 |
Last Reviewed Date: ~~03/22/2022~~08/01/2025

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction ~~on~~in comprehensive sexual health and human immunodeficiency virus (HIV) prevention.

The ~~district's educational program~~district shall ~~address~~respect the ~~goals~~rights of parents/guardians to supervise their students' education on these subjects and to impart values to their children regarding human sexuality.

As specified in the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing accompanying administrative regulation, the district shall strive to provide students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking ~~and~~; to have healthy, positive, and safe relationships and behaviors. ~~The district's educational program shall also promote students' understanding of;~~ to understand sexuality as a normal part of human development~~;~~; and ~~their development of~~to develop healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

~~The district~~ (Education Code 51930-51939)

Each student in grades 7-12 shall ~~respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.~~

~~Comprehensive~~receive comprehensive sexual health ~~education~~ and HIV prevention education ~~shall be offered to all students in grades 7-12~~ at least once in junior high or middle school and at least once in high school. unless the student's parent(s)/guardian(s) opt the student out of such instruction as specified in "Parent/Guardian Notification and Opt-Out" in the accompanying administrative regulation. (Education Code 51934)

The General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention education and the associated materials: (Education Code 51930, 51933)

1. Are age appropriate
2. Are medically accurate and objective
3. Are aligned with and support the following purposes:
 - a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
 - b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
 - c. To promote understanding of sexuality as a normal part of human development
 - d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education and provide educators with clear tools and guidance to accomplish that end
 - e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
4. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds
5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code
6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220
8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so
11. Teach the value of and prepare students to have and maintain committed relationships such as marriage
12. Provide students with the knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation
13. Provide students with the knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk

activities

14. Do not teach or promote religious doctrine

Additionally, the district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity.- Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

The Superintendent or designee shall identify appropriate methods for informing ~~the school community~~parents/guardians about subjects related to the district's comprehensive sexual health and HIV prevention education. -The Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

Parent/Guardian ~~Consent~~Notification and Opt-Out

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the accompanying administrative regulation, that they may request in writing ~~that to opt~~ their ~~child be excused from~~students out of participating in comprehensive sexual health and HIV prevention education. Students so excused ~~by their parents/guardians~~ shall be given an alternative educational activity. ~~(Education Code 51240, 51938, 51939)~~

AAdditionally, a student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian ~~declines to permit~~opts the student ~~to receive the~~out of such instruction.- (Education Code 51240, 51938, 51939)

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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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 220

Ed. Code 231.7

Ed. Code 232.7

Description

[Prohibition of discrimination](#)

Resources on abuse and teen dating violence; local and national hotlines

Model policy and resources; body shaming

Ed. Code 33544	Inclusion of sexual harassment and violence in health curriculum framework
Ed. Code 33546.2	Health framework for California public schools ; sextortion
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49381	Human trafficking prevention resources
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51210.8	Health education curriculum
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51513	Test, questionnaire, survey, or examination containing questions about beliefs or practices
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 51950	Abuse, sexual abuse, and human trafficking prevention education
Ed. Code 67386	Student safety; affirmative consent standard
H&S Code 1255.7	Parents surrendering physical custody of a baby
Pen. Code 243.4	Sexual battery
Pen. Code 261.5	Unlawful sexual intercourse
Pen. Code 271.5	Parents voluntarily surrendering custody of a baby
Federal	Description
20 USC 1232h	Privacy rights
20 USC 7906	Sex education requirements and prohibited use of funds
California Department of Education Publication	Body Shaming Model Policy & Resources
California Department of Education Publication	Health Education Framework for California Public Schools: Kindergarten through Grade 12, May 2019
Management Resources	Description
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)

CSBA Publication	Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
Website	CSBA District and County Office of Education Legal Services
Website	Human Rights Campaign
Website	U.S. Food and Drug Administration
Website	California Partnership to End Domestic Violence
Website	California Safe Schools Coalition
Website	California Department of Education, Sex Education and HIV/AIDS/STD Instruction
Website	California Department of Public Health
Website	California Healthy Kids Resource Center
Website	Centers for Disease Control and Prevention
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities Nondiscrimination In District Programs And Activities
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
1312.3-E-PDF(2)	Uniform Complaint Procedures Uniform Complaint Procedures
4131	Staff Development Staff Development
4131	Staff Development Staff Development
5022	Student And Family Privacy Rights Student And Family Privacy Rights
5022	Student And Family Privacy Rights Student And Family Privacy Rights
5030	Student Wellness Student Wellness
5141.22	Infectious Diseases Infectious Diseases

5141.22	Infectious Diseases Infectious Diseases
5141.25	Availability Of Condoms Availability Of Condoms
5145.3	Nondiscrimination/Harassment Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications Parent/Guardian Notifications
5145.6-E-PDF(1)	Parent/Guardian Notifications Parent/Guardian Notifications
5145.7	Sexual Harassment Sexual Harassment
5145.7	Sexual Harassment Sexual Harassment
5146	Married/Pregnant/Parenting Students Married/Pregnant/Parenting Students
5146	Married/Pregnant/Parenting Students
6141	Curriculum Development And Evaluation Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation Curriculum Development And Evaluation
6142.8	Comprehensive Health Education Comprehensive Health Education
6142.8	Comprehensive Health Education Comprehensive Health Education
6142.93	Science Instruction Science Instruction
6143	Courses Of Study Courses Of Study
6143	Courses Of Study Courses Of Study
6144	Controversial Issues Controversial Issues
6144	Controversial Issues
6145.8	Assemblies And Special Events Assemblies And Special Events
6146.1	High School Graduation Requirements High School Graduation Requirements
6159	Individualized Education Program Individualized Education Program
6159	Individualized Education Program Individualized Education Program

6161.11

Supplementary Instructional MaterialsSupplementary
Instructional Materials

6174

Education For English LearnersEducation For English Learners

6174

Education For English LearnersEducation For English Learners

~~6174-E PDF(1)~~

Education For English Learners

Regulation 6142.1: Sexual Health And HIV/AIDS Prevention Instruction Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~07/01/2008 | Last Revised Date: ~~02/28/2022~~08/01/2025 |
Last Reviewed Date: ~~02/28/2022~~08/01/2025

Definitions

Comprehensive sexual health education means education regarding human development and sexuality, including education on menstrual health, pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

Components of Sexual Health and HIV Prevention Education

In addition to complying with the criteria listed in "General Criteria for Instruction and Materials

~~The Superintendent or designee shall ensure that"~~ in the accompanying Board policy, the district's comprehensive sexual health and HIV prevention ~~instruction and materials:~~education for students in grades 7-12 shall include all of the following: (Education Code ~~51933~~)

- ~~1. —Are age appropriate~~
- ~~2. —Are medically accurate and objective~~
- ~~3. —Are aligned with and support the following purposes as specified in Education Code 51930:~~51934)

- a.——To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
- b.——To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
- c.——To promote understanding of sexuality as a normal part of human development
- d.——To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
- e.——To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors

1.

- 4.——Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds
- 5.——Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code
- 6.——Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
- 7.——Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220
- 8.——Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
- 9.——Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
- 10.——Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so
- 11.——Teach the value of and prepare students to have and maintain committed relationships such as marriage
- 12.——Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation
- 13.——Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
- 14.——Do not teach or promote religious doctrine

Components of Sexual Health and HIV Prevention Education

~~The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)~~

~~1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body~~

~~2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use~~

~~3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy~~

~~4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention~~

~~5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing~~

~~6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others~~

~~7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV~~

~~8. This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and testing is the only way to know if one is HIV-positive.~~

~~9. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence~~

~~10. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~11. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~12. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~13. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~14. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~15. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~16. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~17. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~18. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~19. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

- - ~~a. a.~~ Parenting, adoption, and abortion
 - ~~b. b.~~
 - b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5
 - ~~c. c.~~ The importance of prenatal care
 - ~~10. 10.~~

10. Information about sexual harassment, sexual assault, sexual abuse, and human trafficking, including:

- - ~~a. a.~~ Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking
 - ~~b. b.~~ ~~Information on how social media and mobile device applications are used for human trafficking~~
 - b. Information on how social media and mobile device applications are used for human trafficking
 - ~~11. 11.~~

11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each
, and the resources available to students related to adolescent relationship abuse and intimate partner violence, including the National Domestic Violence Hotline and local domestic violence hotlines that provide confidential support services for students that have experienced domestic violence or stalking

The district's comprehensive sexual health ~~education~~ and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking websites, computer networks, or other digital media. (Education Code 51934)

Professional Development

The district's comprehensive sexual health ~~education~~ and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. ~~—~~ (Education Code 51931, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV prevention education, through regional planning, joint powers agreements, or contract services. ~~—~~ (Education Code 51935)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV prevention education and with the California Department of Education (CDE).—(Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for personnel who have demonstrated expertise or received in-service training from ~~the~~ CDE or the Centers for Disease Control and Prevention.—(Education Code 51935)

The Superintendent or designee may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.—(Education Code 51935)

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking, and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health ~~education~~ and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

Parent/Guardian Notification and Opt-Out

At the beginning of each school year or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians about ~~instruction in~~ comprehensive sexual health ~~education~~ and HIV prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians:—(Education Code 48980, 51938)

1. —

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection

2. —

2. That parents/guardians have a right to ~~excuse~~opt their ~~child from~~students out of comprehensive sexual health or HIV prevention education, or research on student health

behaviors and risks, provided they submit their request in writing to the district

- ~~3.~~ _____
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
- ~~4.~~ _____
4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants and, if, the district chooses to use outside consultants or guest speakers for this purpose, the following information:
-
- a. ~~a.~~ _____ The date of the instruction
- b. _____
- b. The name of the organization or affiliation of each guest speaker
- c. _____
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given.

~~Nonapplicability to Certain Instruction or Materials~~

The

Except as required by law, the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and ~~parental~~parent/guardian notification and ~~consent~~opt-out shall not apply to the following: (Education Code 51932)

~~1.~~ _____

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health ~~education~~ or HIV prevention education as defined in Education Code 51931
- ~~2.~~ _____
2. Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions

-

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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 220

Ed. Code 231.7

Ed. Code 232.7

Ed. Code 33544

Ed. Code 33546.2

Ed. Code 48980

Ed. Code 49381

Ed. Code 51202

Ed. Code 51210.8

Ed. Code 51225.36

Ed. Code 51240

Ed. Code 51513

Ed. Code 51930-51939

Ed. Code 51950

Ed. Code 67386

H&S Code 1255.7

Pen. Code 243.4

Pen. Code 261.5

Pen. Code 271.5

Federal

20 USC 1232h

20 USC 7906

California Department of Education
PublicationCalifornia Department of Education
Publication**Description**[Prohibition of discrimination](#)

Resources on abuse and teen dating violence; local and national hotlines

Model policy and resources; body shaming

[Inclusion of sexual harassment and violence in health curriculum framework](#)Health framework ~~for California public schools~~; sextortion[Parent/Guardian notifications](#)[Human trafficking prevention resources](#)[Instruction in personal and public health and safety](#)[Health education curriculum](#)[Instruction in sexual harassment and violence; districts that require health education for graduation](#)[Excuse from instruction due to religious beliefs](#)[Test, questionnaire, survey, or examination containing questions about beliefs or practices](#)[California Healthy Youth Act](#)[Abuse, sexual abuse, and human trafficking prevention education](#)[Student safety; affirmative consent standard](#)[Parents surrendering physical custody of a baby](#)[Sexual battery](#)[Unlawful sexual intercourse](#)[Parents voluntarily surrendering custody of a baby](#)**Description**[Privacy rights](#)[Sex education requirements and prohibited use of funds](#)[Body Shaming Model Policy & Resources](#)[Health Education Framework for California Public Schools: Kindergarten through Grade 12, May 2019](#)

Management Resources**Description**

California Department of Education
Publication

[Health Education Content Standards for California
Public Schools: Kindergarten Through Grade Twelve,
2008](#)

Court Decision

[Mahmoud v. Taylor \(2025\) 606 U.S. ____ \(2025 WL
1773627\)](#)

CSBA Publication

[Promoting Healthy Relationships for Adolescents: Board
Policy Considerations, Governance Brief, August 2014](#)

Human Rights Campaign Foundation
Publication

[California LGBTQ Youth Report, January 2019](#)

Website

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

Website

[Human Rights Campaign](#)

Website

[U.S. Food and Drug Administration](#)

Website

[California Partnership to End Domestic Violence](#)

Website

[California Safe Schools Coalition](#)

Website

[California Department of Education, Sex Education and
HIV/AIDS/STD Instruction](#)

Website

[California Department of Public Health](#)

Website

[California Healthy Kids Resource Center](#)

Website

[Centers for Disease Control and Prevention](#)

Website

[CSBA](#)

Cross References**Code****Description**

0410

~~[Nondiscrimination In District Programs And
Activities](#)~~[Nondiscrimination In District Programs And Activities](#)

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](#)

1312.3-~~E-PDF(2)~~

~~[Uniform Complaint Procedures](#)~~[Uniform Complaint Procedures](#)

4131

~~[Staff Development](#)~~[Staff Development](#)

~~4131~~

~~[Staff Development](#)~~

5022	Student And Family Privacy Rights Student And Family Privacy Rights
5022	Student And Family Privacy Rights Student And Family Privacy Rights
5030	Student Wellness Student Wellness
5141.22	Infectious Diseases Infectious Diseases
5141.22	Infectious Diseases Infectious Diseases
5141.25	Availability Of Condoms Availability Of Condoms
5145.3	Nondiscrimination/Harassment Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications Parent/Guardian Notifications
5145.7	Sexual Harassment Sexual Harassment
5145.7	Sexual Harassment Sexual Harassment
5146	Married/Pregnant/Parenting Students Married/Pregnant/Parenting Students
5146	Married/Pregnant/Parenting Students
6141	Curriculum Development And Evaluation Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation Curriculum Development And Evaluation
6142.8	Comprehensive Health Education Comprehensive Health Education
6142.8	Comprehensive Health Education Comprehensive Health Education
6142.93	Science Instruction Science Instruction
6143	Courses Of Study Courses Of Study
6143	Courses Of Study Courses Of Study
6144	Controversial Issues Controversial Issues
6144	Controversial Issues
6145.8	Assemblies And Special Events Assemblies And Special Events

6146.1	High School Graduation Requirements High School Graduation Requirements
6159	Individualized Education Program Individualized Education Program
6159	Individualized Education Program Individualized Education Program
6161.11	Supplementary Instructional Materials Supplementary Instructional Materials
6174	Education For English Learners Education For English Learners
6174	Education For English Learners Education For English Learners
6174-E PDF(1)	Education For English Learners

Policy 6142.8: Comprehensive Health Education

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~11/01/2003 | Last Revised Date: ~~05/14/2024~~08/01/2025 |
Last Reviewed Date: ~~05/14/2024~~08/01/2025

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors, and that creating a safe, supportive, inclusive, and nonjudgmental environment is crucial ~~into~~ promoting healthy development for all students. The district's health education program shall be part of a coordinated ~~school~~approach to student health ~~system~~ which recognizes that mental health and social connection are critical to ~~student's~~ overall health, well-being, and academic success; supports the physical, mental, and social well-being of students; reflects the importance of digital and media literacy; and is linked to district and community services and resources.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition promotion and education, physical activity, and other ~~school~~district-based activities that promote student well-being.

Any health education course offered to middle or high school students shall include instruction in mental health that meets the requirements of Education Code 51925-51926, and as specified in Administrative Regulation 6143 - Courses of Study.

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades ~~K~~kindergarten-12 ~~which~~that is aligned with the state's content standards and curriculum framework and integrated with other content areas of the district's curriculum. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards, the state

curriculum framework, and effective instructional methodologies.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district's health education program, which may include, but not be limited to, a description of the district's program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, student achievement of district standards for health education, and the manner in which the district's health education program supports the physical, mental, and social well-being of students.

Parent/Guardian Notification and Opt-Out

Parents/guardians shall be notified that they may request in writing to opt their students out of participating in instruction and assessments, including anonymous and confidential tests, questionnaires, and surveys, as specified in the accompanying administrative regulation. Students so excused shall be given an alternative educational activity. Additionally, a student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian opts the student out of such instruction. (Education Code 51240, 51900.6, 51938, 51939)

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 Governing 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 11800-11801	<u>District health education plan</u>
Ed. Code 35183.5	<u>Sun protection</u>
Ed. Code 49413	<u>First aid and cardiopulmonary resuscitation training</u>
Ed. Code 49430-49434	<u>Pupil Nutrition, Health, and Achievement Act of 2001</u>
Ed. Code 49490-49494	<u>School breakfast and lunch programs</u>
Ed. Code 49500-49505	<u>School meals</u>
Ed. Code 51202	<u>Instruction in personal and public health and safety</u>
Ed. Code 51203	<u>Instruction on alcohol, narcotics and dangerous drugs</u>
Ed. Code 51210	<u>Course of study for grades 1-6</u>
Ed. Code 51210.8	<u>Health education curriculum</u>
Ed. Code 51220.5	<u>Parenting skills; areas of instruction</u>

Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.38	Instruction in the dangers associated with fentanyl use
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51260-51269	Drug education
Ed. Code 51513	Personal beliefs
Ed. Code 51880-51881.5	Health education; legislative findings and intent
Ed. Code 51890-51891	Comprehensive health education programs and community participation; definitions
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention instruction
Ed. Code 51913	District health education plan
Ed. Code 51920	Inservice training; health education
Ed. Code 51925-51929	Mandatory mental health education and in-service training
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 67386	Student safety; affirmative consent standard
Ed. Code 8850.5	Family relationships and parenting education
Federal	Description
42 USC 1751-1769j	School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1793	Child Nutrition Act
Management Resources	Description
California Department of Education Publication	Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2019
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Court Decision	Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL 1773627)

CSBA Publication	<u>Integrating Oral Health into School Health Programs and Policies, May 2010</u>
CSBA Publication	<u>Integrating Physical Activity into the School Day, April 2016</u>
CSBA Publication	<u>Preventing Catastrophic Health Illness, Governance Brief, July 2018</u>
CSBA Publication	<u>The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018</u>
CSBA Publication	<u>Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019</u>
CSBA Publication	<u>Sun Safety in Schools, Policy Brief, July 2006</u>
CSBA Publication	<u>Asthma Management in the Schools, Policy Brief, March 2008</u>
CSBA Publication	<u>Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006</u>
CSBA Publication	<u>Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012</u>
CSBA Publication	<u>Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, November 2008</u>
CSBA Publication	<u>Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014</u>
Human Rights Campaign Foundation Publication	<u>California LGBTQ Youth Report, January 2019</u>
Society of Health & Physical Educators Publication	<u>National Health Education Standards: Achieving Excellence, rev. November 2012</u>
US Department of Health and Human Services Pub.	<u>Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023</u>
US Dept of Health and Human Services Publication	<u>Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023</u>
Website	<u>SHAPE America, Society of Health and Physical Educators</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>Human Rights Campaign Foundation</u>

Website	U.S. Department of Health and Human Services
Website	American School Health Association
Website	California Association of School Health Educators
Website	California Department of Education, Health Education
Website	California Subject Matter Project, Physical Education-Health Project
Website	Center for Injury Prevention Policy and Practice
Website	National Center for Health Education
Website	National Hearing Conservation Association
Website	Centers for Disease Control and Prevention
Website	CSBA
Website	California Department of Public Health
Website	California Healthy Kids Resource Center

Cross References

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0450	Comprehensive Safety Plan Comprehensive Safety Plan
0450	Comprehensive Safety Plan Comprehensive Safety Plan
0500	Accountability Accountability
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1240	Volunteer Assistance Volunteer Assistance
1325	Advertising And Promotion Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools Relations Between Other Governmental Agencies And The Schools

1700	Relations Between Private Industry And The Schools <u>Relations Between Private Industry And The Schools</u>
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3513.3	Tobacco-Free Schools <u>Tobacco-Free Schools</u>
3513.4	Drug And Alcohol Free Schools <u>Drug And Alcohol Free Schools</u>
3514	Environmental Safety <u>Environmental Safety</u>
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3516	Emergencies And Disaster Preparedness Plan <u>Emergencies And Disaster Preparedness Plan</u>
3516	Emergencies And Disaster Preparedness Plan <u>Emergencies And Disaster Preparedness Plan</u>
3543	Transportation Safety And Emergencies <u>Transportation Safety And Emergencies</u>
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3550	Food Service/Child Nutrition Program <u>Food Service/Child Nutrition Program</u>
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3554	Other Food Sales <u>Other Food Sales</u>
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4131	Staff Development <u>Staff Development</u>
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5020	Parent Rights And Responsibilities <u>Parent Rights And Responsibilities</u>
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5022	Student And Family Privacy Rights <u>Student And Family Privacy Rights</u>
5030	Student Wellness <u>Student Wellness</u>
5131	Conduct <u>Conduct</u>
5131.2	Bullying <u>Bullying</u>
5131.2	Bullying <u>Bullying</u>

5131.6	Alcohol And Other Drugs Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs Alcohol And Other Drugs
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5131.62	Tobacco Tobacco
5131.63	Steroids Steroids
5131.63	Steroids Steroids
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5141	Health Care And Emergencies Health Care And Emergencies
5141	Health Care And Emergencies Health Care And Emergencies
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5141.7	Sun Safety Sun Safety
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5145.3	Nondiscrimination/Harassment Nondiscrimination/Harassment
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6141.2	Recognition Of Religious Beliefs And Customs Recognition Of Religious Beliefs And Customs

6141.2	<u>Recognition Of Religious Beliefs And Customs</u> <u>Recognition Of Religious Beliefs And Customs</u>
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6146.1	<u>High School Graduation Requirements</u> <u>High School Graduation Requirements</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection And Evaluation Of Instructional Materials</u>
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6161.1- E PDF(1)	<u>Selection And Evaluation Of Instructional Materials</u> <u>Selection And Evaluation Of Instructional Materials</u>
6162.8	<u>Research</u> <u>Research</u>
6162.8	<u>Research</u> <u>Research</u>
6163.4	<u>Student Use Of Technology</u> <u>Student Use Of Technology</u>
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6164.2	<u>Guidance/Counseling Services</u> <u>Guidance/Counseling Services</u>
6164.2 <u>6172</u>	<u>Guidance/Counseling Services</u> <u>Gifted And Talented Student Program</u>

6172

Gifted And Talented Student Program

6190

Evaluation Of The Instructional ProgramEvaluation Of The
Instructional Program

Regulation 6142.8: Comprehensive Health Education

Status: ADOPTED

Original Adopted Date: ~~02/28/2022~~11/01/2003 | Last Revised Date: ~~04/16/2024~~08/01/2025 |
Last Reviewed Date: ~~04/16/2024~~08/01/2025

Content of Instruction

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

1. Alcohol, tobacco, and other drugs

-

2. Human growth, development, and sexual health

-

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, violence prevention, topics related to bullying and harassment, emergency procedures, and Internet safety, ~~and as required by law.~~

4. Mental, emotional, and social health

Health education courses offered to middle and/or high school students shall include mental health instruction that meets the requirements of Education Code 51925-51927, as specified in Administrative Regulation 6143 - Courses of Study.

5. Nutrition and physical activity

-

6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, vision and hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases, and the effect of behavior on the environment, ~~and as required by law.~~

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health

2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services
4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

High School Health Education

Whenever the Governing Board requires a course in health education for graduation from high school, the district's high school health education course(s) shall include instruction in:

1. Sexual harassment and violence, including, but not limited to, the affirmative consent standard as defined in Education Code 67386- (Education Code 51225.36)

When delivering such instruction, teachers shall consult information related to sexual harassment and violence in the Health Education Framework for California Public Schools.- (Education Code 51225.36)

2. Compression-only cardiopulmonary resuscitation (CPR), which is based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR and includes instruction relative to the psychomotor skills necessary to perform compression-only CPR.- (Education Code 51225.6)

3. ~~Students Excused from Health Instruction~~

~~Upon written request from a parent/guardian, a student shall be excused from any part of health instruction~~Starting with the 2026-27 school year, the dangers associated with fentanyl use (Education Code 51225.38)

Parent/Guardian Notification and Opt-Out

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified that they may request in writing to opt their students out of participating in the following:

1. Anonymous, voluntary, and confidential tests, questionnaires, and surveys containing age-appropriate questions about students' attitudes concerning or practices relating to sex (Education Code 51938, 51939)
2. Any instruction in health that conflicts with the student's religious training and beliefs, including personal moral convictions.- (Education Code 51240)

~~The district shall excuse a student from instruction in comprehensive sexual health education and HIV prevention education if the student's parent/guardian requests in writing that the student be excused. However, pursuant to Education Code 51932, such parental request shall not excuse a student from instruction, materials, presentations, or~~

~~programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions. (Education Code 51938)~~

~~In addition, the district shall excuse a student from~~

- ~~3. Any instruction in sexual abuse and/or sexual assault awareness and prevention if the student's parent/guardian requests in writing that the student be excused. (Education Code 51900.6)~~

~~The~~

- ~~4. Any instruction in comprehensive sexual health and human immunodeficiency virus (HIV) prevention (Education Code 51938, 51939)~~

- ~~5. Any other instruction as permitted by law~~

~~Additionally, the~~ district shall not administer any exam, survey, or questionnaire ~~which that~~ contains questions about the student's or the student's family's personal beliefs or practices in sex, family life, morality, or religion unless the student's parent/guardian has given written permission. ~~(Education Code 51513)~~

~~However, the district may administer anonymous, voluntary, and confidential tests, questionnaires, and surveys containing age-appropriate questions about students' attitudes concerning or practices relating to sex, as long as parents/guardians are notified of the right to request in writing that the student be excused from participation. A student shall be excused from participating in any such research or evaluation tools if the student's parent/guardian requests in writing to excuse the student from participation. (Education Code 51938 (Education Code 51513))~~

Involvement of Health Professionals

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: ~~(Education Code 51890)~~

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs if the activities are conducted in compliance with the statutory, regulatory, and programmatic guidelines applicable to those programs

~~-~~

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 Governing 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 11800-11801	<u>District health education plan</u>
Ed. Code 35183.5	<u>Sun protection</u>
Ed. Code 49413	<u>First aid and cardiopulmonary resuscitation training</u>
Ed. Code 49430-49434	<u>Pupil Nutrition, Health, and Achievement Act of 2001</u>
Ed. Code 49490-49494	<u>School breakfast and lunch programs</u>
Ed. Code 49500-49505	<u>School meals</u>
Ed. Code 51202	<u>Instruction in personal and public health and safety</u>
Ed. Code 51203	<u>Instruction on alcohol, narcotics and dangerous drugs</u>
Ed. Code 51210	<u>Course of study for grades 1-6</u>
Ed. Code 51210.8	<u>Health education curriculum</u>
Ed. Code 51220.5	<u>Parenting skills; areas of instruction</u>
Ed. Code 51225.36	<u>Instruction in sexual harassment and violence; districts that require health education for graduation</u>
Ed. Code 51225.38	Instruction in the dangers associated with fentanyl use
Ed. Code 51225.6	<u>Instruction in cardiopulmonary resuscitation; districts that require health education for graduation</u>
Ed. Code 51240	<u>Excuse from instruction due to religious beliefs</u>
Ed. Code 51260-51269	<u>Drug education</u>
Ed. Code 51513	<u>Personal beliefs</u>
Ed. Code 51880-51881.5	<u>Health education; legislative findings and intent</u>
Ed. Code 51890-51891	<u>Comprehensive health education programs and community participation; definitions</u>
Ed. Code 51900.6	<u>Sexual abuse and sexual assault awareness and prevention instruction</u>
Ed. Code 51913	<u>District health education plan</u>
Ed. Code 51920	<u>Inservice training; health education</u>
Ed. Code 51925-51929	<u>Mandatory mental health education and in-service training</u>
Ed. Code 51930-51939	<u>California Healthy Youth Act</u>
Ed. Code 67386	<u>Student safety; affirmative consent standard</u>

Ed. Code 8850.5

[Family relationships and parenting education](#)

Federal

Description

42 USC 1751-1769j

[School Lunch Program](#)

42 USC 1758b

[Local wellness policy](#)

42 USC 1771-1793

[Child Nutrition Act](#)

Management Resources

Description

California Department of Education
Publication

[Health Education Framework for California Public
Schools: Kindergarten Through Grade Twelve, 2019](#)

California Department of Education
Publication

[Health Education Content Standards for California
Public Schools: Kindergarten Through Grade Twelve,
2008](#)

Court Decision

Mahmoud v. Taylor (2025) 606 U.S. ____ (2025 WL
1773627)

CSBA Publication

[Integrating Oral Health into School Health Programs and
Policies, May 2010](#)

CSBA Publication

[Integrating Physical Activity into the School Day, April
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[Preventing Catastrophic Health Illness, Governance
Brief, July 2018](#)

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[The Impact of Marijuana Legalization on K-12: The
Effect of Marijuana on the Brain, November 2018](#)

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6164.2 <u>6172</u>	Guidance/Counseling Services <u>Gifted And Talented Student Program</u>
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6190	Evaluation Of The Instructional Program <u>Evaluation Of The Instructional Program</u>

CSBA POLICY GUIDE SHEET

August 2025

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

Board Policy 6141.2 - Recognition of Religious Beliefs and Customs

Policy updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. Additionally, policy updated to extend, to students whose parents/guardians have properly opted them out of instruction on the basis of their religious beliefs, state law requirements that (1) authorize the offering of an alternative activity of similar educational value, and (2) prohibit disciplinary action, academic penalty, or other sanction on the grounds that the student was opted out.

Administrative Regulation 6141.2 - Recognition of Religious Beliefs and Customs

Regulation updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. Additionally, based on *Mahmoud*, regulation updated to include new section related to opt-outs which (1) requires a parent/guardian who is requesting that the parent/guardian's student be opted-out of instruction based on religious beliefs, customs, or practices to submit specified information, and (2) permits the Superintendent or designee to work with district legal counsel to evaluate each request and determine whether it be granted.

Board Policy 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction

Policy updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. Additionally, policy updated to add the section "General Criteria for Instruction and Materials" which was moved from the accompanying administrative regulation as that section is more appropriately placed in Board policy rather than administrative regulation.

Administrative Regulation 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction

Regulation updated to reflect **NEW LAW (AB 2229, 2024)** which requires "comprehensive sexual health education" to include the topic of menstrual health. Additionally, regulation updated to delete the section "General Criteria for Instruction and Materials" which was moved to the accompanying Board policy as that section is more appropriately placed in policy rather than administrative regulation. In addition, regulation updated to reflect **NEW LAW (AB 2053, 2024)** which requires that comprehensive sexual health instruction include information about adolescent relationship abuse, including available resources such as the National Domestic Violence Hotline and local domestic violence hotlines. Regulation also updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

Board Policy 6142.8 - Comprehensive Health Education

Policy updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children. Additionally, policy updated to extend, to students whose parents/guardians have properly opted them out of instruction on the basis of their religious beliefs, state law requirements that (1) authorize the offering of an alternative activity of similar educational value, and (2) prohibit disciplinary action, academic penalty, or other sanction on the grounds that the student was opted out.

Administrative Regulation 6142.8 - Comprehensive Health Education

Regulation updated to reflect **NEW LAW (AB 2429, 2024)** which, beginning with the 2026-27 school year, requires a district that includes a course in health education for graduation from high school to include instruction in the dangers associated with fentanyl use. Additionally, regulation updated to reflect **NEW COURT DECISION (Mahmoud v. Taylor)** which held that the First Amendment prohibited a district from including lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) storybooks as part of elementary school instruction without providing parents/guardians with notice and the ability to opt their students out of that instructional content on the grounds that the storybooks substantially interfered with the religious development of their children.

ALAMEDA UNIFIED SCHOOL DISTRICT
SPECIAL AGENDA ITEM

Item Title: CSBA Recommended Update to Board Policy 5131.8: Mobile Communication Devices (10 Mins/Action)

Item Type: Action

Background: *Board Policy 5131.8 Mobile Communication Devices* was first brought to the Board Policy Subcommittee on January 7, 2025 on staff recommendation for review in response to the Phone-Free School Act (AB 3216), which California Governor Gavin Newsom signed in September 2024. Under the Act, Local Education Agencies (LEAs) will need to have policies and procedures in place restricting communication device usage starting June 2026.

Results of the cell phone survey conducted by staff in the spring were shared at the Board Policy Subcommittee meeting held on April 3, 2025.

At the August 26th BOE meeting, the Board approved the addition of the following language pending full review of the policy at this meeting:

“Pending full review of this policy with students, staff, and community stakeholders, teachers may limit student access to cell phones or other communication devices in accessible locations during class time.”

The subcommittee will take into consideration CSBA 's recommendations shared out in the March 2025 release of board policy updates.

- BP5131.8 Mobile Communication Devices

After discussion, one of the following action steps will be taken:

1. The policy and administrative regulation will be added to the next Board Policy Subcommittee meeting for further discussion and possible revision by Subcommittee members.
2. The policy and administrative regulation will be added to the agenda for a regularly scheduled Board meeting so the full Board can weigh in on any further changes in public.
3. The policy and administrative regulation will be approved as is by the full Board at a regularly scheduled public Board meeting.

AUSD LCAP Goals:

Fiscal Analysis

Amount (Savings) (Cost):

Recommendation: Other

Submitted for review and discussion by staff.

AUSD Guiding Principle:

Submitted By: Kirsten Zazo, Assistant Superintendent of Educational Services

ATTACHMENTS:

	Description	Upload Date	Type
▢	BP 5131.8_Mobile Communication Devices_Redline	9/30/2025	Backup Material

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: ~~03/22/2022~~10/01/2019 | Last Revised Date: 03/01/2025 | Last Reviewed Date: 03/22/202201/2025

The Governing Board recognizes that ~~the~~student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, ~~but~~and could be harmful and disruptive of the instructional program in some circumstances. ~~The Board permits limited use~~ When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices ~~on campus in accordance with law and the following~~only as permitted under this policy.

~~(cf. 0450-~~

Option 1: (Limited use Comprehensive Safety Plan)

~~(cf. 5131.2 - Bullying)~~

~~(cf. 5131.4 - Student Disturbances)~~

~~(cf. 5131.9 - Academic Honesty)~~

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

~~(cf. 5141.52 - Suicide Prevention)~~

~~(cf. 6163.4 - Student Use of Technology~~ smartphones and other mobile communication devices)

Students may use ~~cell phones, smart watches, pagers,~~smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any ~~rules that individual~~applicable school ~~sites may impose rules.~~

Mobile ~~Communication devices~~communication devices shall be turned off during instructional time.-

End Option 1

Option 2: (Prohibited use of smartphones and other mobile communication devices)

Students shall not use smartphones or other mobile communication devices while at a school site or under the supervision and control of a district employee.

End Option 2

However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: -(Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger

2. _____

2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator

3. _____

3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being-

4. _____

4. When the possession or use is required by the student's individualized education program-

~~(cf. 6159 - Individualized~~

The Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus.
(Education ~~Program~~ Code 48901.7)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

~~When a school official reasonably suspects that a search of a~~
~~A student's mobile communication personal electronic device will turn up evidence shall not be~~
~~searched without the consent~~ of the student's ~~violation of the law~~ parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in good faith, believes that an emergency involving danger of death or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

~~(cf. 5145.12 - Search and Seizure)~~

~~(cf. 5145.2 - Freedom of Speech/Expression)~~ serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Code 1546.1.

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined and ~~at the~~ district employee may temporarily confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The ~~Superintendent or designee shall inform students that the~~ district will not be responsible or liable for a student's mobile communication device which is brought on campus or to a school

activity and is lost, stolen, or damaged.

-

The Board shall review and, as necessary, update this policy at least once every five years. Any such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of the school community.

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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 ~~Governing Board~~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 300-307	<u>Duties of students</u>
Civ. Code 1714.1	<u>Liability of parent or guardian for act of willful misconduct by a minor</u>
Ed. Code 200-270	<u>Prohibition of discrimination</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 35181	<u>Governing board authority to set policy on responsibilities of students</u>
Ed. Code 35291-35291.5	<u>Rules</u>
Ed. Code 44807	<u>Teachers' duty concerning conduct of students</u>
Ed. Code 48900-48925	<u>Suspension and expulsion</u>
Ed. Code 48901.5	<u>Prohibition of electronic signaling devices</u>
Ed. Code 48901.7	<u>Limitation or prohibition of student use of smartphones</u>
Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	<u>Prohibited use of electronic listening or recording device</u>
Pen. Code 1546.1	Electronic Communications Privacy Act
Pen. Code 288.2	<u>Harmful matter with intent to seduce</u>
Pen. Code 313	<u>Harmful matter</u>
Pen. Code 647	<u>Use of camera or other instrument to invade person's privacy; misdemeanor</u>
Pen. Code 653.2	<u>Electronic communication devices; threats to safety</u>

ALAMEDA UNIFIED SCHOOL DISTRICT
SPECIAL AGENDA ITEM

Item Title: CSBA Recommended Update to Board Bylaw 9150: Student Board Members (10 Mins/Action)

Item Type: Action

Background: *Board Bylaw and Exhibit 9150 Student Board Members* were amended at the September 9, 2025 BOE Meeting to enable the Board, or the Board's designee, to appoint a student Board member if the position becomes vacant.

Today, the subcommittee will take into consideration CSBA 's recommendations to BB 9150 Student Board Members and staff recommendations to E1 9150 Student Board Members.

- BB 9150 Student Board Members
- Exhibit 9150 Student Board Members

After discussion, one of the following action steps will be taken:

1. The policy and administrative regulation will be added to the next Board Policy Subcommittee meeting for further discussion and possible revision by Subcommittee members.
2. The policy and administrative regulation will be added to the agenda for a regularly scheduled Board meeting so the full Board can weigh in on any further changes in public.
3. The policy and administrative regulation will be approved as is by the full Board at a regularly scheduled public Board meeting.

AUSD LCAP Goals:

Fiscal Analysis

Amount (Savings) (Cost):

Recommendation: Other

Submitted for review and discussion by staff.

AUSD Guiding Principle:

Submitted By: Kirsten Zazo, Assistant Superintendent of Educational Services

ATTACHMENTS:

	Description	Upload Date	Type
▢	BB 9150_Student Board Members_Redline 9.9.25	10/6/2025	Backup Material
▢	E 9150_Student Board Members_Redline 9.9.25	10/6/2025	Backup Material
	BB 9150_Student Board Members_CSBA		

Bylaw 9150: Student Board Members

Status: ADOPTED

Original Adopted Date: 08/25/2009 | Last Revised Date: 02/28/2023 | Last Reviewed Date: 02/28/2023

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Student Board members may, at the Board's discretion, receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. (Education Code 35012, 35120)

Student Board members(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board but shall not receive monetary compensation for attendance at Board meetings. (Education Code 35012)

A student Board member shall not be liable for any acts of the Board. (Education Code 35012)

Petition

High school students may submit a petition to the Board requesting the appointment of at least one student Board member. (Education Code 35012)

To qualify for Board consideration, the petition for student representation shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall order the inclusion of at least one student member on the Board. (Education Code 35012)

Choosing Student Board Members

A student Board member shall be chosen by students enrolled in the district's high schools in accordance with procedures prescribed by ~~the Board~~ [Exhibit 9150 - Student Board Members](#). (Education Code 35012)

The term of student Board member(s) shall be one year, commencing on July 1. However, the Board may adjust the term of a student Board member only if a vacancy occurs or in order to give more students an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

Student Board members shall not be considered members of a legislative body for purposes of the Brown Act. (Education Code 35012)

A student Board member shall not be counted to determine the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

Student Board member(s) shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to other Board members. Student Board members(s) shall also be invited to attend staff briefings or be provided with a separate staff briefing within the same timeframe as the briefing of other Board members. In addition, all materials given to

Board members by the district between meetings, except for materials that pertain to closed session items, shall be distributed to student Board members. (Education Code 35012)

Student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

Student Board members(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote.
(Education Code 35012)

Student Board members may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

Student Board members shall be appointed to subcommittees of the Board in the same manner as other Board members and shall be made aware of the time commitment required to participate in subcommittee meetings and work and of the right to decline an appointment.

The availability of all subcommittee members, including the availability of student Board members, may be considered when scheduling subcommittee meetings. (Education Code 35012)

Student Board members shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

Student Board Member Training

The Superintendent or designee may, at district expense, provide learning opportunities to student Board members through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once chosen or appointed, incoming student Board members shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

If the Board determines that the student Board member's duties are not being fulfilled, the Board, or the Board's designee may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

Exhibit (PDF) 9150-E PDF(1): Student Board Members

Status:
ADOPTED

Original Adopted Date: 08/25/2009 | **Last Revised Date:** 05/14/2019 | **Last Reviewed Date:** 05/14/2019

See PDF on the next page.

Student Board Members

STUDENT BOARD MEMBER GUIDELINES

Duties of Student Board Member

The duties of the student Board member include the following:

1. To provide continuing input for Board deliberations.
2. To strengthen communications between the Board and district students.
3. To represent all students and facilitate the discussion of all sides of issues. This duty does not preclude the student Board member from stating his/her individual opinion.

Selection and Term

The student Board members shall be elected by the students of each school ~~listed in the Board policy~~. The following election procedures shall be used:

- All student Board members should be elected directly by the students of the school site they serve.
- Candidates for the election may be nominated by staff or students. Students shall be able to self nominate or nominate any other student.
- Nominees must be in the 9th, 10th, or 11th grades at the time of nomination.
- The nomination period shall remain open for a minimum of 10 school days.
- All potential candidates are to be clearly informed of the responsibilities of the office following their nomination and prior to declaration of candidacy.
- Once informed of the responsibilities of the office, a student can accept the nomination by providing a candidate statement outlining their policy goals and qualifications for serving as a student Board member. Candidate statements shall be included on the ballots.
- Before any election, voting procedures and the duties of student board representatives shall be clearly explained and publicized.
- Elections should be conducted through a system of ranked choice voting and held either online or via paper ballots.
- Elections should be publicized widely and conducted over the course of no less than three days to ensure that all students have time to vote and submit their ballot.
- Voting shall be confidential, but overall results shall be made public at the school site and available to the general public.

The term of office shall be one year, commencing July 1.

Vacancy

If the position of student Board member becomes vacant, another student Board member shall be ~~elected following the steps listed above~~. appointed by the Board, or by the Board's designee.

Board Materials/Information

The Superintendent or designee's office shall provide the student Board member with full and complete agendas and copies of any materials received by the Board except for those materials covered in closed session and any other confidential materials. The Superintendent's office shall serve as the "home office" for the student Board member, where he/she may make use of secretarial facilities and receive advice and/or information upon request.

Exhibit ALAMEDA UNIFIED SCHOOL DISTRICT

version: August 25, 2009 Alameda, California

revised: May 8, 2012 revised: March 26, 2019

revised: May 14, 2019

Bylaw 9150: Student Board Members

Status: ADOPTED

Original Adopted Date: ~~08/25/2009~~12/01/2019 | **Last Revised Date:** ~~02/28/2023~~03/01/2025 |
Last Reviewed Date: 02/28/202303/01/2025

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

~~Student Board members may, at the Board's discretion,~~
Credit, Compensation, and Liability

The student Board member(s) shall receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. ~~(Education Code 35012, 35120)~~

~~Student~~(Education Code 35120)

Additionally, the student Board member(s) shall receive monthly compensation of \$. A student Board member who receives monthly compensation shall receive compensation when absent from a Board meeting if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the Board meeting the student Board member was performing services outside the Board meeting for the district, was ill, was on jury duty, or was absent due to a hardship considered acceptable by the Board. (Education Code 35120)

The student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board, ~~but shall not receive monetary compensation for attendance at Board meetings.~~ (Education Code 35012)

A student Board member ~~shall~~is not ~~be~~ liable for any acts of the Board. ~~—~~ (Education Code 35012)

Student Board Member Positions Based on Petition

High school students may submit a petition to the Board requesting the ~~appointment~~creation of at least one student Board member. ~~(Education Code 35012) position.~~

To qualify for Board consideration, the petition ~~for student representation~~ shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. ~~—~~ (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall ~~order the inclusion of~~ adopt a Board bylaw or amend this Board bylaw to create at least one student Board member position on the Board.— (Education Code 35012)

Choosing Student Board Members

Member Positions Based on Board member Authority

~~There~~ shall be ~~chosen by students~~ student Board member position(s) on the Board. (Education Code 35160)

Student Board Member Eligibility, Selection, and Term

~~Each student Board member shall be enrolled in the district's a district high schools in accordance with procedures prescribed by the Board. school and shall be selected by a vote of the applicable student body.~~ (Education Code 35012)

If the district has more high schools than student Board member positions, the student Board member position(s) shall rotate annually between the high schools of the district.

The term of the student Board member(s) shall be one year, commencing ~~on each~~ July 1. ~~However, the~~ The Board may adjust the term of a student Board member only if a vacancy occurs or ~~in order to give provide~~ more students with an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

~~Student Board members shall not be considered members of a legislative body for purposes of the Brown Act.~~ (Education Code 35012)

~~A~~ The student Board member ~~shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.~~

~~Student Board member(s) shall (s) shall~~ have the right to attend all Board meetings except closed sessions.— (Education Code 35012)

~~All materials presented to Board members, except those related to closed sessions, shall be presented to~~ The student Board members at the same time they are presented to other Board members. Student Board member(s) shall also be invited to attend staff briefings, or be provided with a separate staff briefing, within the same timeframe as the briefing of other Board members. In addition, Additionally, the student Board member(s) shall receive all materials given to Board members ~~by the district~~ between meetings, except for materials that pertain to closed session items, ~~shall be distributed at the same time they are presented to student other~~ Board members. (Education Code 35012)

~~Student~~ The student Board member(s) shall be recognized at Board meetings as full member(s), shall

be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues.—(Education Code 35012)

~~Student~~The student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *-Preferential voting means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote.—*(Education Code 35012)

~~Student~~

The student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3.—(Education Code 35012)

~~Student~~The student Board ~~members~~member(s) shall be appointed to subcommittees of the Board in the same manner as other Board members, ~~and shall be made aware of the time commitment required to participate in subcommittee meetings and work and of the right to although a student Board member may~~ decline an appointment.

The availability of all subcommittee members, including the availability of the student Board ~~members~~member(s), may be considered when scheduling subcommittee meetings. (Education Code 35012)

~~Student Board members~~The student Board member(s) shall not be considered members of the Board for purposes of the Brown Act. (Education Code 35012)

The student Board member(s) shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

The student Board member(s) shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies.— (Education Code 35012)

On a case-by-case basis, the student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters. In order for such a recommendation to be made, the student who is subject to the expulsion and that student's parent/guardian shall first provide written consent. If such consent is given, the Superintendent or designee shall provide the student Board member(s) with information regarding the expulsion but only to the extent necessary for the student Board member(s) to provide a recommendation related to restorative justice to the Board. (Education Code 35012)

Student Board Member Training

The Superintendent or designee may, at district expense, provide learning opportunities to the student Board ~~members~~member(s) through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities. 3

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once ~~chosen or appointed, selected, the~~ incoming student Board ~~members~~member(s) shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

If the Board determines that ~~the~~ student Board ~~member's member is not fulfilling the~~ duties ~~are not being fulfilled of the position~~, the Board may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. ~~Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon.~~ (Education Code 35012)

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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 ~~Governing Board~~board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 33000.5

Description

[Appointment of student member to State Board of Education](#)

Ed. Code 35012

[Board members; number, election and terms](#)

Ed. Code 35120

[Student board membership](#)

Ed. Code 35160

[Authority of governing boards](#)

Gov. Code 3540-3549.3

[Educational Employment Relations Act](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Management Resources

Website

Description

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

Website

[California Association of Student Councils](#)

Bylaw 9150: Student Board Members

Status: ADOPTED

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

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Credit, Compensation, and Liability

The student Board member(s) shall receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. (Education Code 35120)

Additionally, the student Board member(s) shall receive monthly compensation of \$ _____. A student Board member who receives monthly compensation shall receive compensation when absent from a Board meeting if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the Board meeting the student Board member was performing services outside the Board meeting for the district, was ill, was on jury duty, or was absent due to a hardship considered acceptable by the Board. (Education Code 35120)

The student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board. (Education Code 35012)

A student Board member is not liable for any acts of the Board. (Education Code 35012)

Student Board Member Positions Based on Petition

High school students may submit a petition to the Board requesting the creation of at least one student Board member position.

To qualify for Board consideration, the petition shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall adopt a Board bylaw or amend this Board bylaw to create at least one student Board member position on the Board. (Education Code 35012)

Student Board Member Positions Based on Board Authority

There shall be _____ student Board member position(s) on the Board. (Education Code 35160)

Student Board Member Eligibility, Selection, and Term

Each student Board member shall be enrolled in a district high school and shall be selected by a vote of the applicable student body. (Education Code 35012)

If the district has more high schools than student Board member positions, the student Board member position(s) shall rotate annually between the high schools of the district.

The term of the student Board member(s) shall be one year, commencing each July 1. The Board may adjust the term of a student Board member only if a vacancy occurs or to provide more students with an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

The student Board member(s) shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

The student Board member(s) shall also be invited to attend staff briefings, or be provided with a separate staff briefing, within the same timeframe as the briefing of other Board members. Additionally, the student Board member(s) shall receive all materials given to Board members between meetings, except for materials that pertain to closed session items, at the same time they are presented to other Board members. (Education Code 35012)

The student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

The student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

The student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

The student Board member(s) shall be appointed to subcommittees of the Board in the same manner as other Board members, although a student Board member may decline an appointment. The availability of all subcommittee members, including the availability of the student Board member(s), may be considered when scheduling subcommittee meetings. (Education Code 35012)

The student Board member(s) shall not be considered members of the Board for purposes of the Brown Act. (Education Code 35012)

The student Board member(s) shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

The student Board member(s) shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

On a case-by-case basis, the student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters. In order for such a recommendation to be made, the student who is subject to the expulsion and that student's parent/guardian shall first provide written consent. If such consent is given, the Superintendent or designee shall provide the student Board member(s) with information regarding the expulsion but only to the extent necessary for the student Board member(s) to provide a recommendation related to restorative justice to the Board. (Education Code 35012)

Student Board Member Training

The Superintendent or designee may, at district expense, provide learning opportunities to the student Board member(s) through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once selected, the incoming student Board member(s) shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

If the Board determines that a student Board member is not fulfilling the duties of the position, the Board may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

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

Ed. Code 33000.5

Description

[Appointment of student member to State Board of Education](#)

Ed. Code 35012

[Board members; number, election and terms](#)

Ed. Code 35120

[Student board membership](#)

ALAMEDA UNIFIED SCHOOL DISTRICT
SPECIAL AGENDA ITEM

Item Title: Review Existing Board Bylaws: BB 9000 Role of the Board, BB 9005 Governance Standards, and BB 9223 Filling Vacancies (10 Mins/Action)

Item Type: Action

Background: *Board Bylaws BB 9000 Role of the Board, BB 9005 Governance Standard, and BB 9223 Filling Vacancies* are being brought to the subcommittee for review and discussion by referral of a Board Member.

After discussion, one of the following action steps will be taken:

1. The policy and administrative regulation will be added to the next Board Policy Subcommittee meeting for further discussion and possible revision by Subcommittee members.
2. The policy and administrative regulation will be added to the agenda for a regularly scheduled Board meeting so the full Board can weigh in on any further changes in public.
3. The policy and administrative regulation will be approved as is by the full Board at a regularly scheduled public Board meeting.

AUSD LCAP Goals:

Fiscal Analysis

Amount (Savings) (Cost):

Recommendation: Other

Submitted for review and discussion by staff.

AUSD Guiding Principle:

Submitted By: Kirsten Zazo, Assistant Superintendent of Educational Services

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> BB 9000 Role of the Board	10/6/2025	Backup Material
<input type="checkbox"/> BB 9005 Governanace Standards	10/6/2025	Backup Material
<input type="checkbox"/> BB 9223 Filling Vacancies	10/6/2025	Backup Material

Bylaw 9000: Role Of The Board

Status: ADOPTED

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

The Board of Education has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement
2. Establishing an effective and efficient organizational structure for the district by:
 - a. Employing the Superintendent and setting policy for hiring of other personnel
 - b. Overseeing the development and adoption of policies
 - c. Establishing academic expectations and adopting the curriculum and instructional materials
 - d. Establishing budget priorities and adopting the budget
 - e. Providing safe, adequate facilities that support the district's instructional program
 - f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements
3. Providing support to the Superintendent and staff as they carry out the Board's direction by:
 - a. Establishing and adhering to standards of responsible governance
 - b. Making decisions and providing resources that support district priorities and goals
 - c. Upholding Board policies
 - d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons
4. Ensuring accountability to the public for the performance of the district's schools by:
 - a. Evaluating the Superintendent and setting policy for the evaluation of other personnel
 - b. Monitoring and evaluating the effectiveness of policies
 - c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements
 - d. Monitoring student achievement and program effectiveness and requiring program changes as necessary
 - e. Monitoring and adjusting district finances
 - f. Monitoring the collective bargaining process
5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Bylaw 9005: Governance Standards

Status: ADOPTED

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

The Board of Education believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
 2. Communicate a common vision
 3. Operate openly, with trust and integrity
 4. Govern in a dignified and professional manner, treating everyone with civility and respect
 5. Govern within Board-adopted policies and procedures
 6. Take collective responsibility for the Board's performance
 7. Periodically evaluate its own effectiveness
 8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations
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Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 06/26/2012 | **Last Revised Date:** 01/14/2025 | **Last Reviewed Date:** 01/14/2025

Events Causing a Vacancy

A vacancy on the Governing Board may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of the office for the remainder of the term (Government Code 1770)
3. A Board member's resignation in accordance with Board Bylaw 9222 - Resignation (Government Code 1770)
4. A Board member's removal from office by recall (Elections Code 11000-11386; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member's ceasing to inhabit the trustee area represented by the Board member (Government Code 1770)
7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon district business with the approval of the Board
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days or, in the case of illness or other urgent necessity and upon a proper showing thereof, for more than 90 days
 - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve during the absence. If two or more Board members are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.
8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)
9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)

11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs between six months and 130 days before a regularly scheduled Board election at which the vacant position is not scheduled to be filled, the vacancy shall be filled by a special election consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation, whichever is sooner. (Education Code 5091, 5093)

Eligibility for Appointment

In order to be appointed to fill a vacancy on the Board, a person must meet the eligibility requirements specified in law and Board Bylaw 9220 - Governing Board Elections.

Provisional Appointments

When, as authorized by law, the Board has opted to make a provisional appointment to fill a vacancy, the Board, by resolution, may approve the procedures for selecting the person to be provisionally appointed to fill the vacancy. These procedures may, but are not required to, include the following:

1. Advertising in the local media to solicit candidate applications
2. Establishing a committee consisting of less than a quorum of the Board to ensure that applicants are eligible for Board membership and announce the names of the eligible candidates
3. Interviewing the candidates at a public meeting

Within 10 days after the Board makes a provisional appointment to fill a Board vacancy, the Superintendent or designee, on behalf of the Board, shall post a notice of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The Superintendent or designee shall post the notice as follows: (Education Code 5092)

1. In three public places in the district or, if applicable, trustee area
2. On the district's website
3. In a newspaper of general circulation published in the district, if such a newspaper exists

The notice shall contain: (Education Code 5092)

1. The fact of the vacancy or resignation
2. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
3. The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, the appointment shall become effective

The person appointed shall only hold office until the next regularly scheduled election for district Board members. (Education Code 5091)

If within 30 days of the Board's appointment, registered voters of the district or, where elections are by trustee areas, of the trustee area, submit a petition for special election that the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy.

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

When, as authorized by law, the Board seeks to make an appointment because of a failure to elect, the Board, by resolution, may approve any additional the procedures for selecting the person to be appointed to fill the vacancy.
