

Mesa Union School District

Agenda for the Board Meeting of the Board of Trustees to be held on Tuesday, April 22, 2014, at 6:00 p.m. in the School Multi-Purpose Room located at 3901 North Mesa School Road, Somis, California 93066

The Regular Board Meeting of the Board of Trustees will begin at 6:00 p.m. with closed session and approximately 6:30 p.m. for open session. A complete agenda packet is available at the District Office, 3901 North Mesa School Road, Somis, Monday and Tuesday prior to a regularly scheduled meeting and online at www.mesaschool.org.

1. CALL TO ORDER AND RECOGNITION OF A QUORUM:

Time _____	Present	Absent
Mr. Noel Camanag, President	_____	_____
Mr. Steven Sullivan, Vice President	_____	_____
Mrs. Judith Thielemann, Board Clerk	_____	_____
Mr. Rick Murray, Trustee	_____	_____
Mrs. Susan Nemets, Trustee	_____	_____
Dr. Michael Babb, Superintendent	_____	_____
Mr. Ryan Howatt, Principal	_____	_____
Mrs. Cindy Hansen, Chief Business Official	_____	_____
Mrs. Erica Magdaleno, Executive Assistant	_____	_____

2. ADOPTION OF AGENDA

Usually an agenda covers an entire session, in which case it is the order of business for that session and is adopted by majority vote of the assembly. Thereafter, no change can be made in the agenda except by a two-thirds vote or by unanimous consent. At the point of adoption of the agenda, any Board member or the superintendent can request that the agenda be re-ordered.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS:

At this time, any member of the public may address the Board concerning the closed session items. A person addressing the Board is urged to use not more than three (3) minutes of time.

4. CLOSED SESSION:

During this time, the Board may adjourn to closed session to discuss confidential material relating to:

- A. Personnel as authorized by Government Code §54957 – as it relates to personnel needs for the 2014-2015 school year.
- B. Public Employee Performance Evaluation: Superintendent’s Contract (Government Code 54957)

ADJOURN FROM CLOSED: Time _____

RECONVENE IN PUBLIC
(Approximate time-6:30pm) Time: _____

Report of actions taken during closed session: The president of the Board will report on actions taken during closed session.

5. OFFICIAL OPENING - PLEDGE OF ALLEGIANCE

6. MINUTES

It is the recommendation of the district administration that the Board of Trustees approve the minutes of the regular board meeting of March 18, 2014, as presented.

7. AUDIENCE TO ADDRESS BOARD OF TRUSTEES

PRESENTATIONS/COMMENTS BY THE PUBLIC. All individuals are invited to speak to the Board during public comment on matters related to the district. If you wish to address the Board, please plan to complete a Speaker Form prior to the start of the meeting. Forms are available in the District Office, at the Board meeting and online at www.mesaschool.org

A. Special Education Program presentation by Terri Adams-Executive Director of Golden Valley Charter School.

8. SUPERINTENDENT AND PRINCIPAL'S REPORTS:

Superintendent:

- A. Local Control Accountability Plan
- B. Title III Accountability
- C. Golden Valley Charter School report on Special Education Program
- D. SESR
- E. Summer Program
- F. Extended Day Program
- G. SBAC Testing
- H. Golden Bell

9. BOARD MEMBERS' REPORTS AND COMMUNICATIONS:

- A. Correspondence
 - 1. Ventura County Office of Education receipt of the Disclosure of Collective Bargaining Agreement.
- B. Board members' reports and communications
- C. Board members' interests and concerns

10. CONSENT AGENDA:

**Approval of Consent Agenda – All items on the Consent Agenda are to be approved as one motion unless a Board Member requests separate action on a specific item. Each item approved shall be deemed to have been read in full and adopted as recommended.*

- A. Purchase Orders – Mesa

It is the recommendation of the district administration that the purchase orders be approved as presented.

PLEASE SEE AGENDA ITEM 10A IN THE PACKET

- B. Check Register – Mesa

It is the recommendation of the district administration that the check register be approved as presented.

PLEASE SEE AGENDA ITEM 10B IN THE PACKET

- C. Statement of Revenues and Expenditures (March 2014)

It is the recommendation of the district administration that the Statement of Revenues and Expenditures be approved as presented.

PLEASE SEE AGENDA ITEM 10C IN THE PACKET

- D. Current Enrollment Report

It is the recommendation of the district administration that the Enrollment Report be accepted as presented.

PLEASE SEE AGENDA ITEM 10D IN THE PACKET

- E. Student of the Month for March 2014, 2nd trimester Honor and Merit Roll

It is the recommendation of the district administration that the Student of the Month and 2nd trimester Honor and Merit Roll listing be accepted as presented.

PLEASE SEE AGENDA ITEM 10E IN THE PACKET

- F. Student Body Fund and Revolving Fund Accounting for the 2013-2014 school year.

It is the recommendation of the district administration that the Student Body Fund and Revolving Fund accounting for the 2013-2014 school year be accepted as presented.

PLEASE SEE AGENDA ITEM 10F IN THE PACKET

- G. Golden Valley Charter School Statement of Revenue and Expenditures

It is the recommendation of the district administration that the Board of Trustees accept the Statement of Revenue and Expenditures from the Golden Valley Charter School.

PLEASE SEE AGENDA ITEM 10G IN THE PACKET

- H. 2014 Ventura County Science Fair Participants & Award Winners

It is the recommendation of the district administration that the Board of Trustees accept the 2014 Ventura County Science Fair Participants & Award Winners.

PLEASE SEE AGENDA ITEM 10H IN THE PACKET

11. ACTION/DISCUSSION ITEMS:

- A. Consideration of adoption of Resolution #13-14-09 Final Resolution Regarding Reduction or Elimination of Certain Certificated Services.

It is the recommendation of the district administration that the Board of Trustees adopt Resolution #13-14-09 Final Resolution Regarding Reduction or Elimination of Certain Certificated Services. .

PLEASE SEE AGENDA ITEM 11A IN THE PACKET

- B. Consideration of adoption of Resolution #13-14-10 California Energy Commission Bright Schools Program.

It is the recommendation of the district administration that the Board of Trustees adopt Resolution #13-14-10 California Energy Commission Bright Schools.

PLEASE SEE AGENDA ITEM 11B IN THE PACKET

- C. Consideration of approval of the MOU with Golden Valley Charter School for the period of July 1, 2014 to June 30, 2015.

It is the recommendation of the district administration that the Board of Trustees approve the MOU with Golden Valley Charter School.

PLEASE SEE AGENDA ITEM 11C IN THE PACKET

- D.** Consideration of approval of an on-schedule salary increase of 3% for the unrepresented certificated position of Principal and the unrepresented classified position of Executive Secretary retroactive to July 1, 2013.

It is the recommendation of the district administration that the Board of Trustees approve the schedule salary increase of 3% for the unrepresented certificated position of Principal and the unrepresented classified position of Executive Secretary retroactive to July 1, 2013.

- E.** Consideration of approval of the Declaration of Need for Fully Qualified Educators for 2014-2015.

It is the recommendation of the district administration that the Board of Trustees approve the Declarations of Need as presented.

PLEASE SEE AGENDA ITEM 11E IN THE PACKET

- F.** Consideration of acceptance of the Quarterly Report on Williams Uniform Complaints.

It is the recommendation of the district administration that the Board of Trustees accept the Quarterly Report on Williams Uniform Complaints. At this time there are no complaints.

PLEASE SEE AGENDA ITEM 11F IN THE PACKET

- G.** Consideration of adoption of Board Policy and Administrative Regulations as presented or amended.

It is the recommendation of the District Administration that the Board of Trustees adopts policies and regulations as presented or amended. Please refer to spreadsheet.

PLEASE SEE AGENDA ITEM 11G IN THE PACKET

- H.** First Reading of Policy Updates.

It is the recommendation of the District Administration that the Board of Trustees review the policies in sections 0000-9000 from the November updates.

PLEASE SEE AGENDA ITEM 11H IN THE PACKET

12. ITEMS FOR FUTURE CONSIDERATION

- A. Afterschool Program
- B. School Safety Plan Local
- C. Local Control Accountability Plan

13. FUTURE MEETINGS

- A. May 20, 2014

14. ADJOURNMENT

In accordance with requirements of the Americans with Disabilities Act and related federal regulations, individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent's office at least two days before the meeting.

Official Minutes of the March 18, 2014, Regular Meeting of the Board of Trustees of the
Mesa Union School District

Call to Order	The March 18, 2014, Regular Meeting of the Board of Trustees of the Mesa Union School District was called to order by Vice President Sullivan at 6:11p.m. in the Multi-purpose Room.
Roll Call	<p>Board members present were Steven Sullivan, Susan Nemets, and Rick Murray. Noel Camanag and Judith Thielemann were absent.</p> <p>District administrators present were Dr. Babb, superintendent, Erica Magdaleno, executive assistant, Ryan Howatt, principal, and Cindy Hansen, chief business officer.</p>
Agenda	The agenda was adopted by common consent.
Public Comment on Closed Session	At 6:11 p.m., Vice President Sullivan asked for public comment on closed session items. Hearing none, he announced that the Board was going into closed session to discuss negotiations as it relates to MUTA and MUST as authorized by Government Code §3549.1, Personnel as authorized by Government Code §54957, as it relates personnel needs for the 2014-2015 school year, and Conference with Legal Counsel for existing litigation authorized by Government Code §54956.9 as it relates to Workman's Compensation Claim Number: VCSB025181.
Reconvene to Open Session	At 6: 39p.m., the Board of Trustees returned to open session. Vice President Sullivan reported that the Board of Trustees had just returned from closed session where negotiations as it relates to MUTA and MUST as authorized by Government Code §3549.1, Personnel as authorized by Government Code §54957, as it relates to personnel needs for the 2014-2015 school year, and Conference with Legal Counsel for existing litigation authorized by Government Code §54956.9 as it relates to Workman's Compensation Claim Number: VCSB025181 were discussed. No action was taken. The board will returned to closed session after the regular board meeting.
Official Opening Pledge	Vice President Sullivan led the Pledge of Allegiance.
Minutes	The minutes of the Regular Board Meeting of February 18, 2014, were approved by common consent.
Public Comment	There were no public comments.
Superintendent's Report	<p>Superintendent's Report: Local Control Accountability Plan: Dr. Babb shared an update on the current process of completing the LCAP draft, including gathering and considering community input. Planning involves three phases: awareness, input and draft feedback. The first phase of LCAP planning was the awareness phase. Stakeholders were made aware of the new funding model and current student achievement data. The second phase is the input phase. Dr. Babb has been meeting with groups of students, parents, and teachers, including the teacher leadership group, School Site Council and ELAC. An open meeting was also held at the end February giving everyone the opportunity to provide input. Dr. Babb also shared that this year the California Healthy Kids Survey (CHKS) will be administered to students, parents and teachers. Mr. Howatt will provide more information about CHKS during his Principal's Report. The survey will provide written feedback that can be used for the preparation of the LCAP. Dr. Babb will also be using information that he received last year from his transition plan, which included input regarding student programs, and what future programs parents would like to see implemented. The same software that was used for the accountability report card will be used to prepare the LCAP. A public hearing will be held at the May regular meeting to present the LCAP plan, followed by the consideration for board adoption at the June board meeting.</p> <p>Trustee Sullivan requested clarification on the framework that is being used to prepare the LCAP draft. Dr. Babb clarified that he is using a template that was published by West Ed and has been adopted by the California Department of Education (CDE). The template specifies what data needs to be used and the eight strategic areas that need to be included. Areas of emphasis include student engagement, student performance on tests, textbook adoption, training for teachers, teacher credentialing, and parent involvement. Trustee</p>

Official Minutes of the March 18, 2014, Regular Meeting of the Board of Trustees of the
Mesa Union School District

Sullivan shared that he recently attended another board meeting where the LCAP was being introduced for the first time. He is very grateful for Dr. Babb's due diligence in preparing the LCAP.

Title III Accountability: The English Language Learner (ELL) results from CELDT were published last week. Dr. Babb prepared a table and shared the results with the Board. Dr. Babb found some inconsistencies with the table he prepared. Dr. Babb will amend table and email with his weekly report. Dr. Babb will also be bringing the Title III results to the April meeting for board analysis. In reviewing the results Dr. Babb was able to confirm that there was progress and growth for (ELL).

Trustee Sullivan inquired on the changes that affected the CELDT results. Mr. Howatt shared that there has been a greater focus on ELL this year and last year. Last year teachers had professional development and model lessons that focused on ELL. Students were also tested by teachers and administrators. There has also been more intervention available to students and the ELD junior high program has been streamlined. Dr. Babb and Mr. Howatt expect to continue having growth by continuing to focus on (ELL) students.

Technology Update: Dr. Babb shared that the new server is in place, but still being made ready for use. VCOE is working on the migration, and should be done very soon. Dr. Babb also shared that the Technology Committee met on 2/14 to discuss site technology needs. Dr. Babb reported that administration will continue to implement the plan. In the coming weeks, staff computers that cannot be upgraded to Windows 7 will be replaced. VCOE will introduce a pilot program with Microsoft that will include a donation of 30 Toshiba tablets. Mrs. Dwork's classes will begin using these devices in the fall. Administration also is considering upgrades in the computer lab.

Smarter Balanced Assessment Consortium: Dr. Babb apprised the board of Smarter Balanced Assessment Consortium (SBAC) progress. The test will be administered to students in grades 3-8 in May. Mesa will receive no student or school results this time through. Dr. Babb went to training on the Test Information Distribution Engine (TIDE) which is the data base for student information. Mesa and VCOE staff conducted a test run of computers in the lab. They were able to access the SBAC browser on all computers simultaneously.

Trustee Nemets inquired on the testing window dates. Mr. Howatt informed the board that testing will be taking place in late May until the beginning of June.

Trustee Sullivan inquired on what is being done to prepare students for the new assessment. Mr. Howatt shared that some students are taking assessments from Datawise and some teachers are introducing the SBAC practice test to students. After spring break the computer lab will be blocked off so that teachers are able to prepare their students to navigate the new system. Teachers will also be provided training. Dr. Babb shared that there are not only practice tests, but there are technical and content test sites which help students prepare not only for the test concepts but also how to access and navigate the test properly.

Trustee Nemets inquired on the location availability for test taking. Dr. Babb confirmed that there will be two locations set up for students to test. Trustee Nemets shared that we are fortunate to have a computer lab. She visited another school site that has to create new locations for testing to accommodate students.

Principal's Report:

Principal's Report

School Site Council Update: Mr. Howatt provided an update from school site council, and shared plan goals. Input was received from community members, staff, ELAC, Migrant Committee, and other adult stakeholders. The School Site Council worked hard on refining the goals. The main academic goals focus on student writing and preparing for the Smarter Balanced assessment. Writing was a goal that started last year and will continue as a goal this year. This goal drove the professional development that is being offered to teachers. Teachers have been working with the South Coast Writers Project (SCWriP) which has carried over into teachers' classroom practice. The goal is to show growth in students through writing that is Common Core-based. The second goal focused on the Smarter Balance Assessment field test. In order to prepare students for the Smarter Balanced Assessment, the school purchased benchmark assessments through Datawise. Students grades 3th -8th will be taking the benchmark assessment by the end of the month and by

Official Minutes of the March 18, 2014, Regular Meeting of the Board of Trustees of the
Mesa Union School District

June 2014. The assessment will provide an accountability measure to see how students are performing. Having students take the assessments has also changed the environment in the computer lab. Usually the computer lab is a very collaborative, a very sharing oriented place. Mr. Howatt is working on switching that environment to a quiet place where students can come in put their headphones on and take a test. The assessments expose them to what is going to be expected, and it also exposes teachers to the rigors of this new type of learning. The third goal focused on evaluating the benchmark assessments and teasing out the English Language Learners and low-income students to evaluate their performance. Evaluating subgroups will define how to improve intervention programs. The last goal focuses on school climate. Mr. Howatt has been having informal meetings with students to discuss school climate. Mr. Howatt will also be delivering the California Healthy Kids Survey to have a more formal sense of school connectedness.

Trustee Nemets suggested incorporating the goals of the School Site Plan next year when developing the district goals.

California Healthy Kids Survey: The survey is being conducted, partly to support LCAP work. Permission slips have been passed out, seeking passive permission from junior high parents and active ones from elementary. The survey will assess students' connectedness to school, exposure to alcohol, tobacco, and drugs, and exposure to bullying and violence. The survey asks them to characterize relationships with peers, adults, parents, and teachers. Information will help staff decide how to target services and how to improve school climate.

Trustee Nemets shared that the last time the survey was taken, some Junior High may not have completed the survey honestly. Trustee Nemets suggested not only using the survey as a sole measure of school climate and student well-being on the LCAP.

**Board Member's
Reports and
Communication**

Board members' correspondence: None

Board members' reports and communications:

Trustee Nemets shared her experience from the 8th grade field trip to the Museum of Tolerance. Trustee Nemets thanked Mrs. Dwork for setting high expectations for the students. Trustee Nemets was impressed with their behavior and composure.

Trustee Nemets congratulated the CAO middle school team for taking 1st place and the elementary team for placing second. Trustee Nemets also thanked the coaches and teachers for their support and helping to prepare the teams.

Steve Sullivan shared that he attended a board meeting at ACE high school and learned that the school is trying to expand their enrollment. They have added more classes that articulate to the college. Students are receiving college credit for high school classes. Trustee Sullivan suggested sharing this information with 8th graders.

Trustee Sullivan also shared that some schools are expending all their technology funds on buying new computers, but he has not heard any about professional development for teachers to learn how to use the new computers that are being purchased. Trustee Sullivan suggests that some of the funding that is being used to buy new computers should also be allocated for professional development.

Board members' interests and concerns: None

Consent Agenda

Consent Agenda

On motion of Trustee Nemets, seconded by Trustee Murray, and carried with a 3-0-2 vote, consent agenda items 10A- 10E were accepted as presented. Consent Agenda Item 10F will be pulled for further discussion.

Trustee Nemets shared concerns regarding errors that were found on the Golden Valley Interim report. Cindy Hansen shared the errors that were found. The first error that was identified related to the in-transparency of

**Official Minutes of the March 18, 2014, Regular Meeting of the Board of Trustees of the
Mesa Union School District**

funds, and the second error related to the understated funds on the report.

All board members continue to have concerns regarding Golden Valley Charter School financials and agree they would like Terri Adams with Golden Valley Charter School to provide a presentation on the special education program at the April MUSD board meeting.

On motion of Trustee Nemets, seconded by Trustee Murray, and carried with a 2-1-2 vote, consent agenda item 10F was accepted as presented.

Purchase Orders \$136,818.80
 Checks totaling \$251, 131.75
 Funds Balances
 Enrollment 644
 Golden Valley Charter School income/expenditure statement

**Resolution
#13-14-08**

Action/Discussion:

On motion of Trustee Nemets, seconded by Trustee Murray, and carried with 3-0-2 vote, Resolution #13-14-08 Authorization to Consolidate Observance of Lincoln Day and Washington Day on the 2014-2015 school calendar was adopted.

Vote:

Nemets: Aye Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

MUTA Agreement

On motion of Trustee Murray, seconded by Trustee Sullivan, and carried with a 3-0-2 vote, the proposed collective bargaining agreement with the Mesa Union Teachers Association (MUTA) for the period of July 1, 2013-June 30, 2014 was approved.

Vote:

Nemets: Aye Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

MUST Agreement

On motion of Trustee Murray, seconded by Trustee Nemets, and carried with a 3-0-2 vote, the proposed collective bargaining agreement with the Mesa Union Support Team (MUST) for the period of July 1, 2013-June 30, 2014 was approved.

Vote:

Nemets: Aye Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

**Consolidated
Application
(Con App)**

On motion of Trustee Nemets, seconded by Trustee Murray, and carried with a 3-0-2 vote, the Consolidated Application (ConApp) Fall I for the 2013-2014 school year was approved.

Vote:

Nemets: Aye Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

**Single Plan for
Student
Achievement**

On motion of Trustee Murray, seconded by Trustee Nemets, and carried with a 3-0-2 vote, the Mesa Union Single Plan for Student Achievement for the 2013-2014 was approved.

Vote:

Nemets: Aye Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

**VCOE
Technology I**

On motion of Trustee Murray, seconded by Trustee Nemets and carried with a 3-0-2 vote, the proposal with Ventura County Office of Education Technology Department for technology support services was approved.

Vote:

Nemets: Aye Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

**2014-2015
School Calendar**

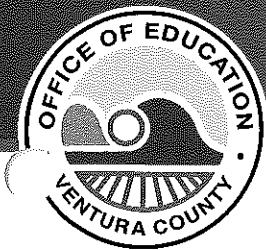
On motion of Trustee Nemets, seconded by Trustee Murray and carried with a 3-0-2 vote, the 2014-2015 classified holiday calendar was approved.

Vote:

Nemets: No Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent

Official Minutes of the March 18, 2014, Regular Meeting of the Board of Trustees of the
Mesa Union School District

Field Trip Request	<p>On motion of Trustee Nemets, seconded by Trustee Murray and carried with a 3-0-2 vote, the Anacapa island 3rd grade and 7th grade field trip was approved.</p> <p>Vote: Nemets: No Sullivan: Aye Thielemann: Absent Murray: Aye Camanag: Absent</p>
First Read Board Policies	<p>The Board was provided with updated policies for first read. These policies will appear on the April Agenda for adoption.</p>
Personnel	<p>Personnel: None</p>
Future Items	<p>A. Afterschool grant B. School Safety Plan C. Title III Accountability Plan</p>
Future Meetings	<p>March 18, 2014</p>
Adjournment	<p>There being no further items of business, the regular board meeting was adjourned at 8:05 p.m. Vice President Sullivan announced that the Board would be returning to closed session to discuss Negotiations as it relates to MUST and MUTA, Personnel, and Existing Litigation.</p> <p>The Board came out of closed session at 8:24 p.m. Negotiations as is relates to MUST and MUTA, Personnel, and Existing Litigation were discussed. No action was taken.</p> <p>There being no further items of business, the board adjourned at 8:25 p.m.</p>

**Administration**

5189 Verdugo Way
Camarillo, CA 93012
805-383-1902 • FAX: 805-383-1908
www.vcoe.org

VENTURA COUNTY OFFICE OF EDUCATION

Stanley C. Mantooth, County Superintendent of Schools

March 18, 2014

Dr. Michael Babb, Superintendent
Mesa Union Elementary School District
3901 North Mesa School Road
Somis, CA 93066

Dear Dr. Babb:

In accordance with AB 1200 and Government Code Section 3547.5, the Ventura County Office of Education has received a copy of the Disclosure of Collective Bargaining Agreement for the tentative agreements with the Mesa Union Teachers' Association (MUTA) and Mesa Union Support Team (MUST) bargaining units. This code section allows the County Superintendent to review and comment on the financial impact of proposed agreements. In our review, we assess whether proposed agreements will allow the district to meet its financial obligations in the current fiscal year and are consistent with a financial plan that will enable the district to satisfy its multi year financial commitments.

We have reviewed the proposed agreements dated March 14, 2014. Based upon the data presented, it appears that the terms of the tentative agreements would allow the district to meet its financial obligations. However, it is important to remember that budget assumptions will change over time, and those changes could impact the agreements' effect on the financial condition of the district.

In accordance with AB 2756, please provide our office with a copy of the board minutes that includes the approval of the agreements to School Business Advisory Services as soon as possible. In addition, please forward any corresponding board-approved budget revisions needed to implement the agreements as soon as those documents are available.

Sincerely,

Stanley C. Mantooth
Ventura County Superintendent of Schools

cc: Misty Key
Paula Driscoll
Cynthia Hansen

Includes 03/01/2014 - 03/31/2014				Board Meeting Date April 22, 2014		
PO Number	Vendor Name	Order Location	Object Description	Resource Description	Account Amount	
B0314-00082	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Prof Svc	Lottery	5,770.75	
P0314-00168	HARBOR PLUMBING SUPPLY CO	MESA UNION	Mat'ls/Sup	Unrestrict	585.78	
P0314-00169	VTA CNTY OFFICE OF EDUCATION	MESA UNION	STAFF DEV	CAT FLEX	3,252.06	
P0314-00170	PACTRONICS, INC	MESA UNION	Mat'ls/Sup	Unrestrict	1,031.01	
P0314-00171	DAVE BANG ASSOCIATES, INC	MESA UNION	NonCapEqui	Unrestrict	1,547.80	
P0314-00172	DANIELS TIRE SERVICE	MESA UNION	Mat'ls/Sup	Transportation	857.07	
			RntRprNCap	Transportation	180.00	
P0314-00173	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Prof Svc	Unrestrict	3,162.10	
P0314-00174	BELIEVE PRODUCTIONS, INC	MESA UNION	Mat'ls/Sup	Fund Raise	550.51	
P0314-00175	INFINITY COMMUNICATIONS	MESA UNION	Prof Svc	E-RATE	2,668.88	
P0314-00176	PRUFROCK PRESS, INC	MESA UNION	Mat'ls/Sup	LotteryIM	129.00	
P0314-00177	JONES SCHOOL SUPPLY	MESA UNION	Mat'ls/Sup	Unrestrict	197.04	
P0314-00178	BANK OF AMERICA	MESA UNION	Mat'ls/Sup	Unrestrict	39.98	
P0314-00179	VANONI AG CONSTRUCTION	MESA UNION	RntRprNCap	Unrestrict	315.16	
P0314-00180	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Mat'ls/Sup	Unrestrict	122.20	
P0314-00181	DRUIDE INFORMATIQUE INC	MESA UNION	Prof Svc	Lottery	560.00	
P0314-00182	AMERICAN VETS FLAG CO	MESA UNION	Mat'ls/Sup	Unrestrict	106.87	
P0314-00183	SATICOY UPHOLSTERY	MESA UNION	RntRprNCap	Unrestrict	800.00	
P0314-00184	UC REGENTS	MESA UNION	STAFF DEV	NCLBIILEP	500.00	
P0314-00185	VTA CNTY OFFICE OF EDUCATION	MESA UNION	EmployFees	Unrestrict	94.00	
P0314-00186	COMPUWAVE	MESA UNION	NonCapEqui	Common Core	9,275.10	
P0314-00187	MJP COMPUTERS	MESA UNION	Mat'ls/Sup	GVCS	8,716.88	
P0314-00188	DANIELS TIRE SERVICE	MESA UNION	Mat'ls/Sup	Transportation	925.48	
			RntRprNCap	Transportation	320.00	
P0314-00190	VTA CNTY OFFICE OF EDUCATION	MESA UNION	EmployFees	Unrestrict	94.00	
P0314-00191	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Prof Svc	SpecialEd	101.25	
Total Number of POs				24	Total	41,902.92

Fund Summary

Fund	Description	PO Count	Amount
010	General Fund	24	41,902.92

The preceding Purchase Orders have been issued in accordance with the District's Purchasing Policy and authorization of the Board of Trustees. It is recommended that the preceding Purchase Orders be approved and that payment be authorized upon delivery and acceptance of the items ordered.

ESCAPE ONLINE

Includes 03/01/2014 - 03/31/2014

Board Meeting Date April 22, 2014

PO Changes

	<u>New PO Amount</u>	<u>Fund/ Object</u>	<u>Description</u>	<u>Change Amount</u>
B0314-00046	3,648.00	010-4300	General Fund/Mat'ls/Sup	600.00
B0314-00054	3,835.00	010-5901	General Fund/Phone	824.85
Total PO Changes				1,424.85

The preceding Purchase Orders have been issued in accordance with the District's Purchasing Policy and authorization of the Board of Trustees. It is recommended that the preceding Purchase Orders be approved and that payment be authorized upon delivery and acceptance of the items ordered.

ESCAPE ONLINE

Page 2 of 2

Checks Dated 03/01/2014 through 03/31/2014

Board Meeting Date April 22, 2014

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
5003806929	03/03/2014	GOLDEN VALLEY CHARTER SCHOOL	010-8096		132,657.00
5003806930	03/04/2014	ALTA DENA DAIRY	130-4700		1,215.34
5003806931	03/04/2014	BUSINESS SERVICES AUTHORITY	010-5803		37,461.00
5003806932	03/04/2014	SELF-INSURED SCHOOLS OF CALIF	010-9534		49,169.55
5003806933	03/06/2014	Erica G. Magdaleno	010-5903		7.82
5003806934	03/06/2014	Michael Babb	010-4300		45.97
5003806935	03/06/2014	ALERT COMMUNICATIONS	010-5800		204.95
5003806936	03/06/2014	ANDERSON SYSTEMS INC	010-5600		3,550.29
5003806937	03/06/2014	DANIELS TIRE SERVICE	010-4300	857.07	
			010-5600	180.00	1,037.07
5003806938	03/06/2014	EXCEL LD	010-5901		11.06
5003806939	03/06/2014	HARBOR PLUMBING SUPPLY CO	010-4300		585.78
5003806940	03/06/2014	PACTRONICS, INC	010-4300		622.07
5003806941	03/06/2014	POOLE OIL COMPANY	010-4310		615.51
5003806942	03/06/2014	REVOLVING ACCOUNT	010-4300	250.00	
			010-5800	19.00	269.00
5003806943	03/06/2014	SO CA GAS CO	010-5501		715.84
5003806944	03/06/2014	SYSCO VENTURA	130-4300	125.02	
			130-4700	1,203.92	1,328.94
5003806945	03/07/2014	HOME DEPOT CREDIT SERVICES	010-4300		759.16
5003806946	03/10/2014	SPIRIT GEAR DIRECT	010-4300	550.51	
			Unpaid Sales Tax	38.41-	512.10
5003806947	03/10/2014	DIAL SECURITY	010-5800		57.88
5003806948	03/10/2014	INFINITY COMMUNICATIONS	010-5800		2,668.88
5003806949	03/10/2014	MISSION LINEN SUPPLY	130-5600		68.86
5003806950	03/10/2014	NASON'S LOCK & SAFE, INC	010-4300		57.24
5003806951	03/10/2014	SO CA EDISON CO	010-5502		8,758.23
5003806952	03/10/2014	SYSCO VENTURA	130-4300	163.09	
			130-4700	1,453.13	1,616.22
5003806953	03/10/2014	TUTORIFIC!	010-5819		147.00
5003806954	03/10/2014	UNDERWOOD FAMILY FARMS	130-4700		455.93
5003806955	03/10/2014	VENTURA LAMINATING INC	010-4300		284.81
5003806956	03/10/2014	VCOE-GRAPHIC SERVICES	010-4300		136.04
5003806957	03/11/2014	CALIF LUTHERAN UNIVERSITY-CRLP	010-5220		290.00
5003806958	03/11/2014	VCOE-GRAPHIC SERVICES	010-4300		589.95
5003806959	03/11/2014	GOLDEN VALLEY CHARTER SCHOOL	010-8096		48,254.00
5003806960	03/13/2014	ASSOCIATION FOR SUPERVISION &	010-5220		325.00
5003806961	03/13/2014	GOLDEN VALLEY CHARTER SCHOOL	010-8096		13,668.00
5003806962	03/13/2014	NASON'S LOCK & SAFE, INC	010-4300		319.46
5003806963	03/13/2014	SOUTHWEST SCHOOL & OFFICE SPLY	010-4300		70.34
5003806964	03/13/2014	SPARKLETTS	010-5504		26.00
5003806965	03/13/2014	SUNBELT RENTALS, INC	010-5600		368.75
5003806966	03/13/2014	TARANGO'S DIESEL REPAIR	010-4300	157.42	
			010-5600	354.80	512.22
5003806967	03/13/2014	TUTORIFIC!	010-5819		343.00
5003806968	03/14/2014	VERIZON WIRELESS	010-5901		510.15
5003806969	03/17/2014	ANIMAL & INSECT PEST MGMT INC	010-5506		199.00

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

Page 1 of 3

Checks Dated 03/01/2014 through 03/31/2014

Board Meeting Date April 22, 2014

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
5003806970	03/17/2014	APPLE INC	010-4300		648.85
5003806971	03/17/2014	COAST TO COAST COMPUTER PROD	010-4300		244.03
5003806972	03/17/2014	JONES SCHOOL SUPPLY CO, INC	010-4300	197.04	
			Unpaid Sales Tax	12.14-	184.90
5003806973	03/19/2014	POOLE OIL COMPANY	010-4310		799.66
5003806974	03/19/2014	UNDERWOOD FAMILY FARMS	130-4700		383.67
5003806975	03/20/2014	Jill Brody	010-4300		22.53
5003806976	03/20/2014	Michael Babb	010-4300	68.80	
			010-5903	16.76	85.56
5003806977	03/20/2014	#1 EDUCANDO CON TABLETAS	010-5819		1,182.50
5003806978	03/20/2014	EMPIRE CLEANING SUPPLY	010-4300		896.36
5003806979	03/20/2014	AMERICAN SCHOOL BOARD JOURNAL	010-4300		234.00
5003806980	03/20/2014	OFFICEMAX, INC	010-4300		483.10
5003806981	03/20/2014	OFFICE DEPOT CREDIT PLAN	010-4300		152.03
5003806982	03/20/2014	PACTRONICS, INC	010-4300		1,031.01
5003806983	03/20/2014	REVOLVING ACCOUNT	010-5800	19.03	
			010-5903	301.70	320.73
5003806984	03/20/2014	SYSCO VENTURA	130-4300	160.48	
			130-4700	1,219.94	1,380.42
5003806985	03/20/2014	VANONI AG CONSTRUCTION	010-5600		315.16
5003806986	03/20/2014	VCOE-GRAPHIC SERVICES	010-4300		122.20
5003806987	03/20/2014	VCOE-SELPA	010-5800		2,340.00
5003806988	03/20/2014	VERIZON WIRELESS	010-5902		760.22
5003806989	03/21/2014	RICOH USA, INC	010-5600		2,334.67
5003806990	03/27/2014	AT&T	010-5901		179.31
5003806991	03/27/2014	ATKINSON,ANDELSON,LOYA, et al	010-5899		8,121.44
5003806992	03/27/2014	DANIELS TIRE SERVICE	010-4300	925.48	
			010-5600	320.00	1,245.48
5003806993	03/27/2014	E.J. HARRISON & SONS, INC	010-5505		441.38
5003806994	03/27/2014	EMPIRE CLEANING SUPPLY	010-4300		47.02
5003806995	03/27/2014	MISSION LINEN SUPPLY	130-5600		68.86
5003806996	03/27/2014	RICOH USA, INC	010-4300		193.76
5003806997	03/27/2014	SATICOY UPHOLSTERY	010-5600		800.00
5003806998	03/27/2014	SHERWIN-WILLIAMS CO	010-4300		124.80
5003806999	03/27/2014	SOUTHWEST SCHOOL & OFFICE SPLY	010-4300		78.93
5003807000	03/27/2014	SYSCO VENTURA	130-4300	305.10	
			130-4700	1,048.53	1,353.63
5003807001	03/27/2014	TAX DEFERRED SERVICES	010-9539		6,750.00
5003807002	03/27/2014	VTA CNTY OFFICE OF EDUCATION	010-5819		5,400.00
5003807003	03/27/2014	VTA CNTY OFFICE OF EDUCATION	010-5804		94.00
5003807004	03/27/2014	VCOE-SELPA	010-5800		101.25
Total Number of Checks				76	349,416.87

Fund Summary

Fund	Description	Check Count	Expensed Amount
010	General Fund	67	341,595.55

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

Checks Dated 03/01/2014 through 03/31/2014

Board Meeting Date April 22, 2014

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
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Fund Summary

Fund	Description	Check Count	Expensed Amount
130	Cafeteria Fund	9	7,871.87
	Total Number of Checks	76	349,467.42
	Less Unpaid Sales Tax Liability		50.55-
	Net (Check Amount)		349,416.87

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE **ONLINE**

Page 3 of 3

Fund 010 - General Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Revenue Limit Sources						
8011		1,665,227.00	2,336,146.00	1,701,406.00	634,740.00	72.83
8012	Education Protection Act	639,468.00	572,751.00	434,908.00	137,843.00	75.93
8019	Revenue Limit State Aid Prior			20,112.00	20,112.00-	NO BDGT
8021	Homeowners' Exemption	18,079.00	17,763.00	9,478.76	8,284.24	53.36
8041	Secured Rolls Tax	1,929,623.00	2,030,095.00	1,035,648.50	994,446.50	51.01
8042	Unsecured Roll Taxes	70,074.00	78,032.00	74,604.35	3,427.65	95.61
8043	Prior Years' Taxes	7,817.00	6,254.00	6,832.59	578.59-	109.25
8044	Supplemental Taxes	25,124.00	28,616.00	26,648.84	1,967.16	93.13
8045	Education Rev Augmentation Fd	120,466.00-	150,167.00-	33,422.68	183,589.68-	-22.26
8092	PERS Reduction Transfer	4,624.00				NO BDGT
8096	Charter School Trans In Lieu P	1,021,029.00-	1,072,178.00-	744,158.58-	328,019.42-	69.41
	Total Revenue Limit Sources	3,218,541.00	3,847,312.00	2,598,903.14	1,248,408.86	67.55
Federal Revenue						
8181	Special Education Entitlement	104,141.00	104,141.00		104,141.00	
8182	Special Education Discretionary	2,393.00	2,476.00		2,476.00	
8285	Interagency Contracts Between	21,900.00	28,068.00	14,300.78	13,767.22	50.95
8290	All Other Federal Revenue	87,285.00	127,090.00	44,559.12	82,530.88	35.06
	Total Federal Revenue	215,719.00	261,775.00	58,859.90	202,915.10	22.48
Other State Revenues						
8311	Other State Apportionments Cu	130,566.00				NO BDGT
8434	Class Size Reduction K-3	179,928.00				NO BDGT
8550	Mandated Cost Reimbursements	29,892.00	17,815.00	17,815.00		100.00
8560	State Lottery Revenue	102,337.00	100,493.00	31,531.28	68,961.72	31.38
8590	All Other State Revenues	160,254.00	247,601.00	191,236.36	56,364.64	77.24
	Total Other State Revenues	602,977.00	365,909.00	240,582.64	125,326.36	65.75
Other Local Revenue						
8660	Interest	5,000.00	4,500.00	3,507.18	992.82	77.94
8675	Transportation Fees from Indiv	29,000.00		.40	.40-	NO BDGT
8677	Interagency Services Between L	69,946.00	69,946.00		69,946.00	
8689	All Other Fees and Contracts		20,000.00	16,605.27	3,394.73	83.03
8699	All Other Local Revenue	48,360.00	50,001.00	5,279.77	44,721.23	10.56
8792	Transfers of Apportionments Fr	257,126.00	292,866.00	215,371.00	77,495.00	73.54
	Total Other Local Revenue	409,432.00	437,313.00	240,763.62	196,549.38	55.06
	Total Year To Date Revenues	4,446,669.00	4,912,309.00	3,139,109.30	1,773,199.70	63.90

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 9, Stmt Option? = R, Zero Amounts? = N, SACS? = N, Restricted? = Y)

ESCAPE ONLINE

Fund 010 - General Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Certificated Salaries							
1100	Teachers' Salaries	1,855,995.00	1,894,274.00	523,472.67	1,398,744.55	27,943.22-	73.84
1110	Substitute Teacher	17,955.00	21,355.00		19,682.50	1,672.50	92.17
1130	Stipend	500.00	500.00			500.00	
1140	Extra Duty	20,143.00	17,191.00		18,760.00	1,569.00-	109.13
1200	Certificated Pupil Support Sal		47,667.00		29,793.76	17,873.24	62.50
1300	Cert Supervisors & Administrat	2,800.00					NO BDGT
1301	Superintendent	133,560.00	133,320.00	33,330.00	99,990.00		75.00
1303	Principal	92,020.00	92,020.00	23,005.02	69,015.06	.08-	75.00
1900	Other Certificated Salaries	2,375.00	3,500.00		500.00	3,000.00	14.29
	Total Certificated Salaries	2,125,348.00	2,209,827.00	579,807.69	1,636,485.87	6,466.56-	74.05
Classified Salaries							
2100	Instructional Aides' Salaries	118,552.00	99,554.00	23,130.30	66,018.99	10,404.71	66.31
2110	Substitute Aide	1,343.00	1,343.00		1,817.34	474.34-	135.32
2150	Instructional Aide Overtime		381.00		438.67	57.67-	115.14
2200	Classified Support Salaries	287,556.00	286,930.00	69,030.38	201,105.05	16,794.57	70.09
2216	Substitute Bus Driver	427.00	427.00		766.80	339.80-	179.58
2250	Classified Support Overtime		3,548.00		5,757.57	2,209.57-	162.28
2400	Clerical and Office Salaries	126,459.00	126,459.00	30,834.51	90,105.55	5,518.94	71.25
2450	Clerical/Office Overtime	5,641.00	8,359.00		8,321.45	37.55	99.55
2900	Other Classified Salaries	29,459.00	49,085.00	13,121.36	30,182.45	5,781.19	61.49
2950	OTHER CLASS OVERTIME		10.00		55.13	45.13-	551.30
	Total Classified Salaries	569,437.00	576,096.00	136,116.55	404,569.00	35,410.45	70.23
Employee Benefits							
3101	STRS, certificated positions	175,521.00	182,511.00	47,883.87	134,257.48	369.65	73.56
3202	PERS, classified positions	55,990.00	58,393.00	14,632.16	41,940.60	1,820.24	71.82
3301	OASDI/Medicare/Alternative, ce	28,583.00	29,640.00	7,693.56	22,631.09	684.65-	76.35
3302	OASDI/Medicare/Alternative, cl	42,038.00	42,040.00	9,687.99	29,772.89	2,579.12	70.82
3401	Health & Welfare Benefits, cer	269,024.00	275,793.00	82,737.15	193,053.35	2.50	70.00
3402	Health & Welfare Benefits, cla	104,058.00	103,457.00	28,422.91	73,001.03	2,033.06	70.56
3501	SUI, certificated positions	1,019.00	1,056.00	274.74	782.67	1.41-	74.12
3502	SUI, classified positions	274.00	276.00	63.33	194.61	18.06	70.51
3601	Work Comp Ins, certificated po	63,338.00	66,765.00	17,516.79	49,443.56	195.35-	74.06
3602	Work Comp Ins, classified posi	16,952.00	17,379.00	4,108.01	12,756.31	514.68	73.40
3802	PERS Reduction, classified pos	4,624.00					NO BDGT
	Total Employee Benefits	761,421.00	777,310.00	213,020.51	557,833.59	6,455.90	71.76

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 9, Stmt Option? = R, Zero Amounts? = N, SACS? = N, Restricted? = Y)

ESCAPE ONLINE

Fund 010 - General Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Books and Supplies							
4100	Textbooks	11,647.00	14,147.00		12,056.13	2,090.87	85.22
4300	Materials and Supplies	148,977.00	160,085.00	37,383.73	77,094.72	45,606.55	48.16
4310	Bus Fuel	24,639.00	24,639.00	8,228.26	13,818.52	2,592.22	56.08
4319	Supplies Undesignated	33,155.00	33,934.00			33,934.00	
4400	Non-Capitalized Equipment	27,400.00	56,414.00	10,822.90	2,632.53	42,958.57	4.67
	Total Books and Supplies	245,818.00	289,219.00	56,434.89	105,601.90	127,182.21	36.51
Services and Other Operating Expenditures							
5100	Sub Agreements for Prof Servic	120,305.00	108,253.00	76,678.00	8,220.93	23,354.07	7.59
5200	Travel and Conferences	1,285.00	1,285.00		85.00	1,200.00	6.61
5201	Car Allowance	2,380.00	2,620.00	600.00	1,800.00	220.00	68.70
5220	STAFF DEVELOPMENT	14,917.00	69,114.00	11,718.12	15,093.93	42,301.95	21.84
5300	Dues and Memberships	8,160.00	8,660.00		5,546.39	3,113.61	64.05
5450	Other Insurance	26,286.00	26,286.00		26,129.14	156.86	99.40
5501	Natural Gas	6,135.00	6,135.00	2,339.53	3,236.48	558.99	52.75
5502	Electricity	67,010.00	67,010.00	22,619.14	43,380.86	1,010.00	64.74
5504	Water	9,815.00	9,815.00	4,768.64	4,180.23	866.13	42.59
5505	Rubbish	6,095.00	6,095.00	1,684.58	4,315.42	95.00	70.80
5506	Pest Control	1,950.00	1,950.00	557.00	1,393.00		71.44
5600	Rentals,Leases,Repairs & Nonca	110,768.00	110,204.00	19,650.44	67,001.69	23,551.87	60.80
5750	Direct Costs for Interfund Ser		80.00-		80.32-	.32	100.40
5800	Professnl/Consult Serv & Opera	199,123.00	181,940.00	48,264.17	65,349.63	68,326.20	35.92
5801	Audit	18,250.00	20,342.00	4,563.33	15,778.67		77.57
5803	Business Services Authority	112,382.00	112,382.00	37,460.00	74,922.00		66.67
5804	Employment Fees	1,397.00	1,850.00	343.00	1,455.00	52.00	78.65
5819	Holding	22,315.00	41,731.00	3,757.00	6,307.16	31,666.84	15.11
5899	Legal Services	33,500.00	43,520.00	3,959.59	26,758.62	12,801.79	61.49
5901	Phone Services	5,200.00	5,200.00	1,342.07	3,827.96	29.97	73.61
5902	Internet Services	14,560.00	18,060.00	1,299.22	6,196.58	10,564.20	34.31
5903	Postage	2,300.00	2,300.00	5.39	2,007.61	287.00	87.29
	Total Services and Other Operating Expenditures	784,133.00	844,672.00	241,609.22	382,905.98	220,156.80	45.33
Capital Outlay							
6200	Buildings and Improvement of B		107,984.00			107,984.00	
6400	Equipment		36,607.00	36,606.21		.79	
	Total Capital Outlay	.00	144,591.00	36,606.21	.00	107,984.79	
Tuition							

Fund 010 - General Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Tuition (continued)							
7141	Other Tuition/Excess Costs to	73,695.00	73,010.00			73,010.00	
7142	Other Tuition/Excess Costs to	62,291.00	87,245.00	30,038.00	32,507.26	24,699.74	37.26
	Total Tuition	135,986.00	160,255.00	30,038.00	32,507.26	97,709.74	20.28
	Total Year To Date Expenditures	4,622,143.00	5,001,970.00	1,293,633.07	3,119,903.60	588,433.33	62.37

Fund 010 - General Fund

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	4,446,669.00	4,912,309.00		3,139,109.30	1,773,199.70	63.90
B. Expenditures	4,622,143.00	5,001,970.00	1,293,633.07	3,119,903.60	588,433.33	62.37
C. Subtotal (Revenue LESS Expense)	175,474.00-	89,661.00-		19,205.70	1,184,766.37	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	175,474.00-	89,661.00-		19,205.70	1,184,766.37	
F. Fund Balance:						
Beginning Balance (9791)	1,116,723.00	1,278,275.00		1,278,275.41		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	1,116,723.00	1,278,275.00		1,278,275.41		
G. Calculated Ending Balance	941,249.00	1,188,614.00		1,297,481.11		
*Components of Ending Fund Balance						
Legally Restricted (9740)	63,711.00	31,774.00				
Other Designations (9780)	117,087.00	170,060.00				
Undesig/Unapprop (9790)	529,343.00	736,881.00				
Other	231,108.00	249,899.00		1,293,633.07		

Fund 130 - Cafeteria Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Federal Revenue						
8220	Child Nutrition Programs	96,633.00	96,633.00	52,235.66	44,397.34	54.06
	Total Federal Revenue	96,633.00	96,633.00	52,235.66	44,397.34	54.06
Other State Revenues						
8520	Child Nutrition Programs	8,000.00	8,000.00	4,161.13	3,838.87	52.01
	Total Other State Revenues	8,000.00	8,000.00	4,161.13	3,838.87	52.01
Other Local Revenue						
8634	Food Services Sales	59,200.00	59,200.00	34,627.02	24,572.98	58.49
8660	Interest	100.00	100.00	51.25	48.75	51.25
	Total Other Local Revenue	59,300.00	59,300.00	34,678.27	24,621.73	58.48
	Total Year To Date Revenues	163,933.00	163,933.00	91,075.06	72,857.94	55.56

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Classified Salaries							
2200	Classified Support Salaries	41,656.00	41,656.00	12,329.91	29,510.55	184.46-	70.84
2212	Substitute Cafeteria Worker	4,740.00	4,740.00		199.96	4,540.04	4.22
2250	Classified Support Overtime	2,444.00	2,444.00		2,164.48	279.52	88.56
2400	Clerical and Office Salaries	17,509.00	17,509.00	4,667.73	12,261.33	579.94	70.03
	Total Classified Salaries	66,349.00	66,349.00	16,997.64	44,136.32	5,215.04	66.52
Employee Benefits							
3202	PERS, classified positions	7,214.00	7,214.00	1,944.90	4,942.41	326.69	68.51
3302	OASDI/Medicare/Alternative, cl	4,860.00	4,756.00	1,204.26	3,139.84	411.90	66.02
3402	Health & Welfare Benefits, cla	12,690.00	12,690.00	3,806.91	8,882.75	.34	70.00
3502	SUI, classified positions	31.00	31.00	7.86	20.22	2.92	65.23
3602	Work Comp Ins, classified posi	1,975.00	2,002.00	512.97	1,332.01	157.02	66.53
	Total Employee Benefits	26,770.00	26,693.00	7,476.90	18,317.23	898.87	68.62
Books and Supplies							
4300	Materials and Supplies	6,500.00	13,700.00		5,409.88	8,290.12	39.49
4400	Non-Capitalized Equipment	3,500.00	3,500.00			3,500.00	
4700	Food	73,500.00	64,000.00	16,734.37	44,965.63	2,300.00	70.26
	Total Books and Supplies	83,500.00	81,200.00	16,734.37	50,375.51	14,090.12	62.04
Services and Other Operating Expenditures							
5220	STAFF DEVELOPMENT	200.00	200.00			200.00	

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 9, Stmt Option? = R, Zero Amounts? = N, SACS? = N, Restricted? = Y)

ESCAPE ONLINE

Fund 130 - Cafeteria Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Services and Other Operating Expenditures (continued)							
5600	Rentals,Leases,Repairs & Nonca	2,200.00	3,200.00	1,938.49	1,261.51		39.42
5800	Professnl/Consult Serv & Opera	175.00	1,475.00		613.00	862.00	41.56
	Total Services and Other Operating Expenditures	2,575.00	4,875.00	1,938.49	1,874.51	1,062.00	38.45
	Total Year To Date Expenditures	179,194.00	179,117.00	43,147.40	114,703.57	21,266.03	64.04

Fund 130 - Cafeteria Fund

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	163,933.00	163,933.00		91,075.06	72,857.94	55.56
B. Expenditures	179,194.00	179,117.00	43,147.40	114,703.57	21,266.03	64.04
C. Subtotal (Revenue LESS Expense)	15,261.00-	15,184.00-		23,628.51-	51,591.91	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	15,261.00-	15,184.00-		23,628.51-	51,591.91	
F. Fund Balance:						
Beginning Balance (9791)	25,794.00	46,591.00		46,590.74		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	25,794.00	46,591.00		46,590.74		
G. Calculated Ending Balance	10,533.00	31,407.00		22,962.23		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	10,533.00	31,407.00		43,147.40		

Fund 140 - Deferred Maintenance Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	550.00	550.00	476.64	73.36	86.66
Total Other Local Revenue		550.00	550.00	476.64	73.36	86.66
Total Year To Date Revenues		550.00	550.00	476.64	73.36	86.66

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5600	Rentals,Leases,Repairs & Nonca	5,000.00	5,000.00			5,000.00	
5604	Heating and Air Conditioning	5,000.00	11,700.00		6,700.00	5,000.00	57.26
5607	Plumbing	25,000.00	25,000.00		9,500.00	15,500.00	38.00
5608	Roofing				6,700.00		100.00
Total Services and Other Operating Expenditures		35,000.00	48,400.00	.00	22,900.00	25,500.00	47.31
Total Year To Date Expenditures		35,000.00	48,400.00	.00	22,900.00	25,500.00	47.31

Fund 140 - Deferred Maintenance Fund

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	550.00	550.00		476.64	73.36	86.66
B. Expenditures	35,000.00	48,400.00		22,900.00	25,500.00	47.31
C. Subtotal (Revenue LESS Expense)	34,450.00-	47,850.00-		22,423.36-	25,426.64-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	34,450.00-	47,850.00-		22,423.36-	25,426.64-	
F. Fund Balance:						
Beginning Balance (9791)	190,133.00	200,139.00		200,138.90		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	190,133.00	200,139.00		200,138.90		
G. Calculated Ending Balance	155,683.00	152,289.00		177,715.54		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	155,683.00	152,289.00				

Fund 150 - Pupil Transportation Equipment

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	100.00	100.00	47.26	52.74	47.26
Total Other Local Revenue		100.00	100.00	47.26	52.74	47.26
Total Year To Date Revenues		100.00	100.00	47.26	52.74	47.26

Fund 150 - Pupil Transportation Equipment

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	100.00	100.00		47.26	52.74	47.26
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	100.00	100.00		47.26	52.74	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	100.00	100.00		47.26	52.74	
F. Fund Balance:						
Beginning Balance (9791)	19,726.00	19,706.00		19,706.00		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	19,726.00	19,706.00		19,706.00		
G. Calculated Ending Balance	19,826.00	19,806.00		19,753.26		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	19,826.00	19,806.00				

Fund 171 - S/R Capital Outlay-Technology

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures						
C. Subtotal (Revenue LESS Expense)						
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance						
F. Fund Balance:						
Beginning Balance (9791)	36.00	36.00		36.01		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	36.00	36.00		36.01		
G. Calculated Ending Balance	36.00	36.00		36.01		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	36.00	36.00				

Fund 173 - S/R Capital Outlay-Equipment

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	60.00	60.00	24.92	35.08	41.53
Total Other Local Revenue		60.00	60.00	24.92	35.08	41.53
Total Year To Date Revenues		60.00	60.00	24.92	35.08	41.53

Fund 173 - S/R Capital Outlay-Equipment

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	60.00	60.00		24.92	35.08	41.53
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	60.00	60.00		24.92	35.08	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	60.00	60.00		24.92	35.08	
F. Fund Balance:						
Beginning Balance (9791)	10,486.00	10,469.00		10,469.28		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	10,486.00	10,469.00		10,469.28		
G. Calculated Ending Balance	10,546.00	10,529.00		10,494.20		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	10,546.00	10,529.00				

Fund 211 - Building Fund

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest			19.54	19.54-	NO BDGT
Total Other Local Revenue		<u>.00</u>	<u>.00</u>	<u>19.54</u>	<u>19.54-</u>	NO BDGT
Total Year To Date Revenues		<u>.00</u>	<u>.00</u>	<u>19.54</u>	<u>19.54-</u>	NO BDGT

Fund 211 - Building Fund

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues				19.54	19.54-	NO BDGT
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	.00	.00		19.54	19.54-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	.00	.00		19.54	19.54-	
F. Fund Balance:						
Beginning Balance (9791)						
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance						
G. Calculated Ending Balance	.00	.00		19.54		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other						

Fund 251 - Developer Fees

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	160.00	160.00	73.40	86.60	45.88
8681	Mitigation/Developer Fees		2,677.00	2,677.41	.41-	100.02
	Total Other Local Revenue	160.00	2,837.00	2,750.81	86.19	96.96
	Total Year To Date Revenues	160.00	2,837.00	2,750.81	86.19	96.96

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5750	Direct Costs for Interfund Ser		80.00		80.32	.32-	100.40
	Total Services and Other Operating Expenditures	.00	80.00	.00	80.32	.32-	100.40
Capital Outlay							
6100	Sites and Improvement of Sites		6,507.00		6,506.25	.75	99.99
	Total Capital Outlay	.00	6,507.00	.00	6,506.25	.75	99.99
	Total Year To Date Expenditures	.00	6,587.00	.00	6,586.57	.43	99.99

Fund 251 - Developer Fees

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	160.00	2,837.00		2,750.81	86.19	96.96
B. Expenditures		6,587.00		6,586.57	.43	99.99
C. Subtotal (Revenue LESS Expense)	160.00	3,750.00-		3,835.76-	85.76	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	160.00	3,750.00-		3,835.76-	85.76	
F. Fund Balance:						
Beginning Balance (9791)	28,342.00	39,522.00		39,522.08		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	28,342.00	39,522.00		39,522.08		
G. Calculated Ending Balance	28,502.00	35,772.00		35,686.32		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)	28,502.00	35,772.00				
Undesig/Unapprop (9790)						
Other						

Fund 355 - School Facilities Hardship

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures						
C. Subtotal (Revenue LESS Expense)						
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance						
F. Fund Balance:						
Beginning Balance (9791)						
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance						
G. Calculated Ending Balance						
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other						

Fund 401 - Sp Res Cap Outlay Proj, Constr

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures						
C. Subtotal (Revenue LESS Expense)						
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance						
F. Fund Balance:						
Beginning Balance (9791)	245.00	245.00		244.59		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	245.00	245.00		244.59		
G. Calculated Ending Balance	245.00	245.00		244.59		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	245.00	245.00				

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other State Revenues						
8571	Voted Indebtedness Levies, HOP	1,419.00	1,419.00	619.10	799.90	43.63
	Total Other State Revenues	1,419.00	1,419.00	619.10	799.90	43.63
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	235,409.00	235,409.00	140,894.15	94,514.85	59.85
8612	Voted Indebtedness Levies, Uns	4,966.00	4,966.00	6,424.96	1,458.96-	129.38
8613	Voted Indebtedness Levies, P/Y			45.52	45.52-	NO BDGT
8614	Voted Indebtedness Levies, Sup			1,693.81	1,693.81-	NO BDGT
8660	Interest	500.00	500.00	368.93	131.07	73.79
	Total Other Local Revenue	240,875.00	240,875.00	149,427.37	91,447.63	62.04
	Total Year To Date Revenues	242,294.00	242,294.00	150,046.47	92,247.53	61.93

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Debt Service							
7433	Bond Redemptions	95,000.00	95,000.00		95,000.00		100.00
7434	Bond Interest and Other Servic	157,750.00	157,750.00		157,750.00		100.00
	Total Debt Service	252,750.00	252,750.00	.00	252,750.00	.00	100.00
	Total Year To Date Expenditures	252,750.00	252,750.00	.00	252,750.00	.00	100.00

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	242,294.00	242,294.00		150,046.47	92,247.53	61.93
B. Expenditures	252,750.00	252,750.00		252,750.00		100.00
C. Subtotal (Revenue LESS Expense)	10,456.00-	10,456.00-		102,703.53-	92,247.53	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	10,456.00-	10,456.00-		102,703.53-	92,247.53	
F. Fund Balance:						
Beginning Balance (9791)	227,001.00	235,152.00		235,151.64		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	227,001.00	235,152.00		235,151.64		
G. Calculated Ending Balance	216,545.00	224,696.00		132,448.11		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	216,545.00	224,696.00				

Fund 511 - Bond Interest & Redem 67118381

Fiscal Year 2013/14 Through March 2014

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other State Revenues						
8571	Voted Indebtedness Levies, HOP	1,466.00	1,466.00	639.70	826.30	43.64
Total Other State Revenues		1,466.00	1,466.00	639.70	826.30	43.64
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	243,314.00	243,314.00	143,995.51	99,318.49	59.18
8612	Voted Indebtedness Levies, Uns	5,477.00	5,477.00	7,080.53	1,603.53-	129.28
8613	Voted Indebtedness Levies, P/Y			48.65	48.65-	NO BDGT
8614	Voted Indebtedness Levies, Sup			1,802.45	1,802.45-	NO BDGT
8660	Interest	600.00	600.00	377.88	222.12	62.98
Total Other Local Revenue		249,391.00	249,391.00	153,305.02	96,085.98	61.47
Total Year To Date Revenues		250,857.00	250,857.00	153,944.72	96,912.28	61.37

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Debt Service							
7433	Bond Redemptions	45,000.00	45,000.00		45,000.00		100.00
7434	Bond Interest and Other Servic	209,088.00	209,858.00		209,857.50	.50	100.00
Total Debt Service		254,088.00	254,858.00	.00	254,857.50	.50	100.00
Total Year To Date Expenditures		254,088.00	254,858.00	.00	254,857.50	.50	100.00

Fund 511 - Bond Interest & Redem 67118381

Fiscal Year 2013/14 Through March 2014

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	250,857.00	250,857.00		153,944.72	96,912.28	61.37
B. Expenditures	254,088.00	254,858.00		254,857.50	.50	100.00
C. Subtotal (Revenue LESS Expense)	3,231.00-	4,001.00-		100,912.78-	96,911.78	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	3,231.00-	4,001.00-		100,912.78-	96,911.78	
F. Fund Balance:						
Beginning Balance (9791)	213,238.00	221,895.00		221,894.53		
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance	213,238.00	221,895.00		221,894.53		
G. Calculated Ending Balance	210,007.00	217,894.00		120,981.75		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)		770.00-				
Other	210,007.00	218,664.00				

MESA UNION SCHOOL DISTRICT

ENROLLMENT REPORT

4/7/2014

Grade	Teacher	Subject	Period	Total Enrolled	
Transitional K	Coe			4	
K	Coe			18	
K1	Larson			3	
K	Larson			22	
K	Sanchez			22	
K				69	
1	Dichiacchio			25	
1	Maxim			24	
1	Vollmert			21	
1				70	
2	Puga			26	
2	Sakai			24	
2	Webster			25	
2				75	
3	Best			24	
3	Mayes			25	
3	McKenna			25	
3				74	
4	Kuklenski/Waggoner			30	
4	Mitchell			30	
4/5 (4 TH)	Ford/Muhlightner			11	
4				71	
4/5 (5 TH)	Ford/Muhlightner			14	
5	DeMaria			30	
5	Willey (Skeens)			30	
5				74	
Elementary				433	
6				69	
7				73	
8				70	
Junior High School				212	
				645	
6	Alkire	Homeroom	0	35	
6	Alkire	Science 6	1	35	
6	Alkire	Science 6	2	34	
6	Alkire	Social Studies 6	3	35	
6	Alkire	Social Studies 6	5	34	
6	Wiley	Homeroom	0	34	

6	Wiley	English Lang 6	1	34	
6	Wiley	English Lang 6	2	35	
7	Wiley	Exploratory 7	3	36	
6	Wiley	Exploratory 6	4	35	
7	Dunn	Homeroom	0	36	
7	Dunn	Science 7	1	36	
8	Dunn	Science 8	3	37	
8	Dunn	Science 8	4	33	
7	Dunn	Science 7	5	37	
7	Grogan	Homeroom	0	37	
7	Grogan	English Lang 7	1	36	
7	Grogan	Social Studies 7	2	37	
7	Grogan	Social Studies 7	4	37	
7	Grogan	English Lang 7	5	38	
8	Dwork	Homeroom	0	35	
8	Dwork	Social Studies 8	1	32	
8	Dwork	Social Studies 8	2	38	
8	Dwork	English Lang 8	3	33	
8	Dwork	English Lang 8	4	37	
8	Nguyen	Homeroom	0	35	
8	Nguyen	Geometry	1	31	
7/8	Nguyen	Algebra 7/8	2	40	
8	Nguyen	Math 6	3	34	
6	Nguyen	Math 6	5	35	
8	Hanley	Algebra Readiness 8	1	7	
7/8	Hanley	Pre Alg. 7/8	2	29	
7	Hanley	Pre Alg. 7	4	37	
8	Hanley	Exploratory 8	5	35	
7	Rosen	PE 7	3	36	
6	Rosen	PE 6	4	34	
8	Rosen	PE 8	5	35	

STUDENT OF THE MONTH

MARCH 2014

<u>TEACHER</u>	<u>SOM</u>	<u>PRINCIPAL'S AWARD</u> <u>COURTESY</u>
COE	GRANT TSUJI BRODY FABIE	AUDREY WALEA MARQUS MOORE SYDNEY NISWANDER
LARSON	ADDISON KIKER KIYOSHI OKAMURA TYLER NOWAK	ADDISON KINNON ISIS MARES SAWYER ZAVALA
SANCHEZ	JORDAN CORRAL JAZMYN CAMARENA BRIAN DAVIS-BOCCALI	KINGSTON RYDBERG JULIANA LEGORRETA ELLA PFEIFFER
DICHIACCHIO	TAE KAWATA KARLEE MOMO RYAN LYNCH	ELLE ANGER JORDYN GONZALEZ
MAXIM	CLAIRE KIM LILIANA MORENCY	ALEX DULLAM AZAIRIA CHACON HIROTOSHI OKAMURA NOAH SAHAGUN
VOLLMERT	CELESTE SANCHEZ ANDREW "DALLAS" TORRES NICO TRONCOSO	ANALIA HERNANDEZ VICENTE (TOMAS) DEARCOS
PUGA	OLIVIA OMINSKY ROCKY CONLEY	VANESSA HURTADO ETHAN GUTIERREZ
SAKAI	JISELLE GARCIA JACOB STRINGER	KAILI GARRETT JASON MEJIA ADRIAN SANCHEZ NEVAEH ASPURIA
WEBSTER	JAMES MIRANDA LILY TOREJA	ALINA AGUILAR CAMILA MEDINA KRIPA SHRESTHA

STUDENT OF THE MONTH

MARCH 2014

<u>TEACHER</u>	<u>SOM</u>	<u>PRINCIPAL'S AWARD</u> <u>COURTESY</u>
BEST	REECE MORENCY BRAELON HOLMES	GABRIEL GALICIA JANESSA MARES
MAYES	MACKENZIE ABERNATHY KAMELIA MORTEZAI	KASEN LYNCH NOEL SANTIAGO
MCKENNA	KATHY MARTINEZ JACOB ARMSTRONG	AKAYLA BURCH TAYLOR MILBOURN ROLAND ESPINOSA (FEB)
FORD	BRIANNA BERNAL CHRISTIAN GONZALEZ	ANDREW DUONG HUNTER LEIJA KATE LAN
KUKLENSKI	JAEVIN GARCIA MANUEL HERRERA	MAX CARTER ANDILYN ZIEGLER
MITCHELL	CAITLIN CRULL BREK BUSH	QUINN CAMMACK FLETCHER GENGO
DEMARIA	YAQUELYN MARTINEZ ROBERT DYKES	EMMA LANDEROS NATALIE MUMMERY JUSTIN LAN
WILLEY	GIOVANNI HERRERA AMBERLY PUGA MITCHELL ZAGER	ROMAN VENEGAS JULIAN TORRES CASSANDRA O'REILLY

MESA UNION SCHOOL
HONOR ROLL/MERIT ROLL
2013-2014
SECOND TRIMESTER

HONOR ROLL

4TH GRADE

ANGUIANO, CARLOS
ASPURIA, MALAYA
BOISSELIER, GIA
CARTER MAX
GARCIA, JAEVIN
GONZALEZ, CHRISTIAN
GROOMS, BENJAMIN
GOMEZ, DARIO
HAMERNIK, NATALIA
HEINRCH, CARYS
KHODDAMI, DORSA
LAN, KATE
LIPPOLD, PETER
NAVARRO, MIA
PATEL, DHILAN
PFEIFFER, MIA
PETERSEN, SOPHIA
STUPAR, TORBEN
TARAZON, MALIA
TEART, ASHLEY
TINOCO, FRANK
TOVIAS, VANESSA
ULMER, JASON

MERIT ROLL

4TH GRADE

BRYANT, OLIVIA

CAMMACK, QUINN
CARSON, TOMMY
COMPTON, COLE
CORONADO, CRUZ
CORTEZ, EDDIE
CRULL, CAITLIN
DUONG, ANDREW
FLORES, ARIANNA
GENGO, FLETCHER
GONZALEZ, GIORDANO
GONZALEZ, JACLYN
GUEVARA, ANGELICA
HANNA, TONY
HERRERA, MANUEL
LOZANO, ISAAC
LYNCH, PAYTON
MCCLURE, TEAGAN
ORTIGUERRA, TREVOR
PACION, TIANA
RYLAND, ANDREW
SANCHEZ, MARIA
SOLORIO, ARMANDO
WRIGHT, EMILY
ZIEGLER, ANDILYN

HONOR ROLL

5TH GRADE

CORONADO, KYLEE
DULLAM, THOMAS
DUONG, ASHLEY
DYKES, ROBERT
ERHARDT, ETHAN
FANNER, MORGAN
GOMEZ, MELISSA
GONZALEZ, ALESSANDRO
GRAVEL FLETCHER
HESS, ALYSSA
HESS, ANDY
JONES, NEVAEH
KYTLICA ASHLEY
LAN, JUSTIN
LANDEROS, EMMA
LUNA, DIEGO
LYNCH, PARKER
MAGDALENO, JULIAN
MARTINEZ, YAQUELYN
MEJIA, JESSICA
MILBOURN, HUNTER
MUMMERY, NATALIE
MURRAY, RYAN
O'REILLY, CASSANDRA
OKAMURA, SAKURA
OMINSKY, MAX
PAYARD, EMILY
POZZI, ISABELLA
PUGA, AMBERLY
RUSSELL, BRYCE
SABEDRA, SERENA
SHIELDS, PAUL
STOTKO, RILEY
TRONCOSO, MARCO
WALORINTA, CARSON
WEYMER, CHARLOTTE
WIEBELHAUS, IAN

MERIT ROLL

5TH GRADE

ALATORRE, MARCOS
ALVAREZ, MARTIN
BERNAL, BRIANNA
CONLEY, HARLEY
DULEK, TREVOR
GIBBS, JOSHUA
JACK, KELLAN
KURTEN, JOHNATHAN
LEIJA, HUNTER
MCDADE, HALEY
ROMAN, SEBASTIAN
VENEGAS, ROMAN

WOLBERT, JACK
ZAGER, MITCHELL
ZAGER, STEPHANIE

Mesa School Student Body

Student Body
4/7/2014

Date	Num	Payee	Memo	Category	Amount	C	Balance
9/5/2013	DEP		adjustment for check 2210		0.18		4,467.62
9/5/2013			account adjustment		-0.10		4,467.52
9/17/2013			account adjustment - check n...		241.75		4,709.27
9/17/2013			account adjustment .80		0.80		4,710.07
9/18/2013	DEP		P.E. uniforms	Junior High	625.00		5,335.07
9/18/2013	DEP		P.E. uniforms	Junior High	861.50		6,196.57
9/18/2013	DEP		Outdoor school	6th grade	850.40		7,046.97
9/23/2013	DEP		Washington D.C. fundraiser 2...	8th grade	1,420.00		8,466.97
9/23/2013	DEP		Washington D.C. fundraiser 2...	8th grade	1,435.00		9,901.97
9/24/2013	DEP		Outdoor school	6th grade	1,729.06		11,631.03
9/25/2013	DEP		Outdoor school	6th grade	545.80		12,176.83
10/1/2013			Error		-53.60		12,123.23
10/1/2013			adjustment for check #2210		-0.18		12,123.05
10/1/2013			stop payment on check		-30.00		12,093.05
10/1/2013	2211	Willie Dillon	P.E. Uniforms		-1,486.50		10,606.55
10/1/2013	2212	Outdoor School	payment	6th grade	-3,966.40		6,640.15
10/2/2013	DEP		Outdoor school	6th grade	442.10		7,082.25
10/2/2013	DEP		Washington D.C. fundraiser 2...	8th grade	175.00		7,257.25
10/12/2013	DEP		Washington D.C. fundraiser 2...	8th grade	6,760.20		14,017.45
10/22/2013	DEP		Washington D.C. fundraiser 2...	8th grade	50.00		14,067.45
10/22/2013	DEP		Washington D.C. fundraiser 2...	8th grade	105.92		14,173.37
10/29/2013	DEP		Washington D.C. fundraiser 2...	8th grade	90.00		14,263.37
10/29/2013	DEP		Washington D.C. fundraiser 2...	8th grade	66.00		14,329.37
10/29/2013	DEP		Washington D.C. fundraiser 2...	8th grade	227.85		14,557.22
10/29/2013			adjustment		0.36		14,557.58
10/29/2013	2213	McLaughlin paper company	fundraiser		-3,834.25		10,723.33
11/1/2013	2214	Ray Aspuria	Junior High Dance - D.J.	Junior High	-100.00		10,623.33
11/1/2013	2215	First Way Co.	Cookie dough	6th grade	-5,122.00		5,501.33
11/19/2013	DEP		Discount cards - D.C. fundrai...	8th grade	50.00		5,551.33
11/20/2013	DEP		cookie dough	6th grade	30.00		5,581.33
11/20/2013	DEP		P.E.	Junior High	25.00		5,606.33
11/20/2013	DEP		Robotics - D.C. fundraiser	8th grade	411.25		6,017.58
11/20/2013	DEP		Assembly snacks - D.C. fundr...	8th grade	56.80		6,074.38
11/20/2013	DEP		cookie dough	6th grade	5,151.20		11,225.58
11/20/2013	2216	Ventura Rental	outdoor school	6th grade	-255.62		10,969.96
11/21/2013	DEP		cookie dough	6th grade	556.80		11,526.76
11/22/2013			redeposit NSF check-include...		42.00		11,568.76
12/1/2013	DEP		cookie dough	6th grade	7,754.75		19,323.51
12/1/2013			adjustment		3.50		19,327.01
12/1/2013			bank fees \$30 and \$12.00		-42.00		19,285.01
12/1/2013			error adjustment		-0.48		19,284.53
12/4/2013	DEP		cookie dough	6th grade	48.00		19,332.53
12/4/2013	DEP		Outdoor school	6th grade	324.80		19,657.33
12/11/2013	DEP		Washington D. C. fundraiser ...	8th grade	111.00		19,768.33
12/23/2013	DEP		Outdoor school	6th grade	492.40		20,260.73
12/23/2013	DEP		McDonalds fundraiser-D.C.	8th grade	344.75		20,605.48

Mesa School Student Body

Student Body
4/7/2014

Date	Num	Payee	Memo	Category	Amount	C	Balance
12/23/2013	DEP	Cookie Dough			364.40		20,969.88
12/23/2013			Check 2016		-150.00		20,819.88
12/27/2013	DEP		McDonalds fundraiser - D.C. ...	8th grade	266.74		21,086.62
12/27/2013	DEP		Discount cards - D.C. fundrai...	8th grade	60.00		21,146.62
12/27/2013			adjustment related to Oct. 28t...		156.00		21,302.62
1/1/2014	DEP		Outdoor school	6th grade	2,001.80		23,304.42
1/9/2014	DEP		Donation from PFO for outdo...	6th grade	1,200.00		24,504.42
1/9/2014	2217	Void			0.00		24,504.42
1/9/2014	2218	Outdoor School	payment	6th grade	-12,087.60		12,416.82
1/13/2014	DEP		Fundraiser	Junior High	29.00		12,445.82
1/15/2014	2219	Genevieives Fundrasing	Washington D.C.	8th grade	-123.96		12,321.86
1/27/2014	DEP		Outdoor school	6th grade	164.40		12,486.26
1/28/2014	DEP		snack sale	Junior High	241.75		12,728.01
1/29/2014	DEP		Basketball uniforms fees from...	Junior High	570.00		13,298.01
1/29/2014	DEP		P.E. uniform	Junior High	25.00		13,323.01
1/29/2014	2220	Rich Rosen	Basketball uniforms	Junior High	-570.00		12,753.01
2/12/2014	DEP		Outdoor school	6th grade	494.20		13,247.21
2/12/2014	DEP		Washington D.C. fundraiser n...	8th grade	4,177.45		17,424.66
2/13/2014	DEP		Valentine games	Junior High	73.50		17,498.16
2/19/2014	2221		brightspark Travel	Washington D.C.	-14,175.00		3,323.16
2/26/2014	2222	Ray Aspuria	Junior High Dance - D.J.	Junior High	-100.00		3,223.16
2/28/2014			Adjustment to deposit on 12/...		-0.30		3,222.86
3/19/2014			Adjustment		0.30		3,223.16
3/24/2014	DEP		Junior high	Bake sale	138.10		3,361.26
3/24/2014	DEP		Washington D.C. fund 2014-15	SOM assembly for coffee	85.87		3,447.13
3/24/2014	2223	The Outdoor School	deposit for next year science ...	6th grade	-1,500.00		1,947.13

Mesa School Revolving

Mesa Union
4/7/2014

Date	Num	Payee	Memo	Category	Amount	C	Balance
7/1/2013	DEP				0.00		1,009.68
7/1/2013	1807	Urban Cafe	staff lunch	Office Expenses (Business)	-48.05		961.63
7/3/2013	1808	McGrath Training	books for Dr. Babb		-74.90		886.73
7/10/2013	DEP		Reimbursement		48.05		934.78
7/10/2013	DEP		Reimbursement		140.32		1,075.10
7/10/2013	1809	US Postmaster	stamps	Office Expenses (Business)	-38.12		1,036.98
7/16/2013	1810	VCOE-SELPA	registration for Ryan Howatt	workshop	-35.00		1,001.98
7/19/2013			carryover back fee		2.00		1,003.98
7/19/2013			May fees		-16.00		987.98
7/19/2013			Dec. fees		-19.00		968.98
7/24/2013	DEP		Reimbursement		148.02		1,117.00
7/24/2013	1811	US Postmaster	stamps	Postage and Delivery (Busi...	-294.10		822.90
8/7/2013	1812	US Postmaster	stamps	Postage and Delivery (Busi...	-340.60		482.30
8/13/2013	1813	US Postmaster	stamps	Postage and Delivery (Busi...	-40.28		442.02
8/20/2013	1814	Woodranch Rest.	Board meeting	Office Expenses (Business)	-330.46		111.56
8/21/2013	DEP		Reimbursement		294.10		405.66
8/22/2013	DEP		Reimbursement		380.88		786.54
8/22/2013	1815	Woodranch Rest.	staff luncheon	Office Expenses (Business)	-548.80		237.74
8/30/2013			Adjustment to deposit		1.00		238.74
9/5/2013	DEP		Reimbursement		431.80		670.54
9/13/2013	1816	US Postmaster	stamps	Postage and Delivery (Busi...	-192.04		478.50
9/16/2013	DEP		Reimbursement		330.46		808.96
9/16/2013	DEP		Reimbursement	Fees & Charges:Service Fe...	19.00		827.96
9/16/2013	DEP		Reimbursement	Fees & Charges:Service Fe...	19.00		846.96
9/16/2013			July fees	Fees & Charges:Bank Fee	-19.00		827.96
9/16/2013			August fees	Fees & Charges:Service Fee	-19.00		808.96
9/25/2013	DEP		Reimbursement		210.03		1,018.99
9/25/2013			Adjustment		1.01		1,020.00
9/27/2013			Sept. fees	Fees & Charges	-19.00		1,001.00
9/27/2013	1817	Costco	T.V.	For principal's office	-620.59		380.41
10/4/2013	1818	VCOE	Registration for Ryan Howatt	workshop	-40.00		340.41
10/10/2013	1819	Willie Dillon	fingerprinting		-57.00		283.41
10/11/2013	DEP		Reimbursement		620.59		904.00
10/18/2013	1820	VCSBA	dinner for Dr. Babb		-15.00		889.00
10/22/2013	DEP		Reimbursement		40.00		929.00
10/24/2013	DEP		Reimbursement		57.00		986.00
10/30/2013	DEP		Reimbursement	check #1820 plus sept. ban...	34.00		1,020.00
10/31/2013			Sept. bank fees		-19.00		1,001.00
10/31/2013			Adjustment		-1.00		1,000.00
11/6/2013	1821	US Postmaster	stamps	Postage and Delivery (Busi...	-276.00		724.00
11/18/2013	1822	Void			0.00		724.00
11/18/2013	1823	Susan Nemets	audio converter for TV		-31.60		692.40
11/18/2013	1824	Spirit Gear	student gear		-179.40		513.00
11/20/2013	DEP		Reimbursement		276.00		789.00
11/20/2013	DEP		October bank fees reimburse...		19.00		808.00
11/20/2013			October bank fee		-19.00		789.00

Mesa School Revolving

Mesa Union
4/7/2014

Date	Num	Payee	Memo	Category	Amount	C	Balance
11/27/2013	1825	National Geographic	registration for National Geog...	Education	-120.00		669.00
12/1/2013	DEP		Reimbursement		230.00		899.00
12/1/2013			Reverse October fee reimbur...		-19.00		880.00
12/5/2013	1826	Casa de Rio	migrant meeting		-289.58		590.42
12/6/2013	1827	Costco	supplies		-100.48		489.94
12/11/2013	DEP		Reimbursement		120.00		609.94
12/23/2013	DEP		Reimbursement		390.06		1,000.00
12/23/2013	DEP		Novemeber bank fee reimbur...		19.00		1,019.00
12/23/2013			Nobermber bank fee		-19.00		1,000.00
1/16/2014	1828	US Postmaster	stamps	Postage and Delivery (Busi...	-282.97		717.03
1/27/2014	1829	Casto Chapter 5	registration for bus drivers		-60.00		657.03
1/29/2014	DEP		Reimbursement		282.97		940.00
1/29/2014	DEP		December bank fee reimurse...		19.00		959.00
1/29/2014			December bank fee		-19.00		940.00
2/4/2014	1830	Ventura County Schools Board Assoc.	board meeting		-45.00		895.00
2/11/2014	DEP		Reimbursement		60.00		955.00
2/12/2014	1831	Casto Chapter 5	workshop for bus drivers		-15.00		940.00
2/20/2014	DEP		Reimbursement		45.00		985.00
2/24/2014	1832	Costco	supplies	migrant dinner	-29.46		955.54
2/24/2014	1833	Casa de Rio	supplies	migrant dinner	-317.25		638.29
2/28/2014			January bank fee		-19.00		619.29
3/3/2014	DEP		reimbursement		361.71		981.00
3/3/2014	1834	Rin Tunnel Co.	bus tokens	bus	-250.00		731.00
3/14/2014	1835	US Postmaster	stamps	Postage and Delivery (Busi...	-301.70		429.30
3/18/2014	DEP		reimbursement		250.00		679.30
3/18/2014	DEP		reimbursement	January bank fee	19.00		698.30
3/19/2014			bank fee	February bank fee	-19.00		679.30
3/19/2014			adjustment on chekc #1833		-0.03		679.27
3/26/2014	DEP		Reimbursement		320.73		1,000.00

**Golden Valley Charter School
WARRANT REGISTER: March 2014**

Check Number	Check Date	Vendor	Total
54174	3/7/2014	All American Ballet School	\$ 225.00
54175	3/7/2014	Angels School Supply	\$ 22.88
54176	3/7/2014	Ballet Academy Ventura	\$ 585.00
54177	3/7/2014	Barnes & Noble Inc	\$ 426.11
54178	3/7/2014	Cassell's Music, Inc	\$ 500.52
54179	3/7/2014	Chalk Dust Company	\$ 279.00
54180	3/7/2014	Children's Music Academy	\$ 165.00
54181	3/7/2014	Delian Music	\$ 416.00
54182	3/7/2014	Education Station	\$ 24.15
54183	3/7/2014	Elenco Electronics Inc.	\$ 104.45
54184	3/7/2014	Emh Sports USA, Inc	\$ 72.00
54185	3/7/2014	Excellence in Education	\$ 169.79
54186	3/7/2014	Follett Educational Services	\$ 392.96
54187	3/7/2014	Guitar Center	\$ 118.22
54188	3/7/2014	Handwriting Without Tears	\$ 40.90
54189	3/7/2014	Hearthsong (The Children's Group)	\$ 323.79
54190	3/7/2014	Hosaka, Rotherham & Co.	\$ 950.00
54191	3/7/2014	Houghton Mifflin Harcourt - Acct#147529	\$ 982.18
54192	3/7/2014	Huckleberry Center	\$ 88.00
54193	3/7/2014	Hugo's Gym Fitness	\$ 515.00
54194	3/7/2014	Joe Ferrante Music Academy	\$ 491.50
54195	3/7/2014	Keyboard Galleria Music Center	\$ 429.00
54196	3/7/2014	Kids Art Inc - Pasadena	\$ 524.00
54197	3/7/2014	Kumon Math & Reading- Burbank	\$ 530.00
54198	3/7/2014	Lakeshore Learning Materials	\$ 37.69
54199	3/7/2014	Law Office of Young, Minney & Corr, LLP	\$ 311.60
54200	3/7/2014	Learn Beyond the Book, LLC	\$ 64.50
54201	3/7/2014	Los Angeles School of Gymnastics	\$ 160.00
54202	3/7/2014	Mark Fitchett dba Long Beach School of Music	\$ 240.00
54203	3/7/2014	Mindware	\$ 140.79
54204	3/7/2014	Mission Renaissance	\$ 2,198.67
54205	3/7/2014	Monarch's National Gymnastics Training Center	\$ 330.00
54206	3/7/2014	Museum Tour, Inc.	\$ 61.44
54207	3/7/2014	Nancy Larson Publishers, Inc.	\$ 238.72
54208	3/7/2014	North Dakota Center For Distance Education	\$ 143.11
54209	3/7/2014	Office Depot	\$ 489.32
54210	3/7/2014	Office Depot eCommerce	\$ 538.04
54211	3/7/2014	Ottsen Music Studio	\$ 150.00
54212	3/7/2014	Ovation School For Performing Arts	\$ 93.75
54213	3/7/2014	Pasadena Conservatory Of Music	\$ 445.00
54214	3/7/2014	Play-Well TEKnologies- Santa Barbara/Ventura	\$ 17.00
54215	3/7/2014	Pleasant Valley Rec & Park	\$ 200.00
54216	3/7/2014	Quality Line Enterprises, Inc.	\$ 280.00
54217	3/7/2014	Rainbow Resource Center	\$ 1,576.54
54218	3/7/2014	Rosetta Stone, Ltd. (Fairfield Language Tech.)	\$ 296.62
54219	3/7/2014	Singapore Math, Inc	\$ 147.90
54220	3/7/2014	Staples Business Advantage	\$ 361.81
54221	3/7/2014	Tae Ryong TaeKwonDo School - Camarillo	\$ 542.25
54222	3/7/2014	TaeKwonDo Plus	\$ 493.25

**Golden Valley Charter School
WARRANT REGISTER: March 2014**

Check Number	Check Date	Vendor	Total
54223	3/7/2014	Tamora School of Irish Dance	\$ 250.00
54224	3/7/2014	The Martial Way	\$ 125.00
54225	3/7/2014	Time 4 Learning	\$ 25.00
54226	3/7/2014	Urban Homeschoolers	\$ 260.00
54227	3/7/2014	Ventura Family YMCA	\$ 311.00
54228	3/7/2014	Vibe Performing Arts Studios	\$ 198.00
54229	3/7/2014	Wallers' Gymjam Academy	\$ 35.00
54230	3/7/2014	Write At Home	\$ 278.00
54231	3/7/2014	Yamaha Music School	\$ 511.00
54237	3/14/2014	A Child's Dream Come True	\$ 58.35
54238	3/14/2014	Alliance for Performing Arts	\$ 212.60
54239	3/14/2014	Amanda Burns	\$ 87.28
54240	3/14/2014	Anne Alday	\$ 21.58
54241	3/14/2014	Apple Inc	\$ 99.00
54242	3/14/2014	Appolina Osborne	\$ 75.28
54243	3/14/2014	Barnes & Noble Inc	\$ 262.75
54244	3/14/2014	Central Music	\$ 85.00
54245	3/14/2014	Chinaberry Inc	\$ 47.72
54246	3/14/2014	Christine Albright	\$ 125.44
54247	3/14/2014	Education Station	\$ 269.76
54248	3/14/2014	Elizabeth Gomez	\$ 164.64
54249	3/14/2014	Evan- Moor	\$ 106.51
54250	3/14/2014	Excellence in Education	\$ 136.68
54251	3/14/2014	Follett Educational Services	\$ 21.27
54252	3/14/2014	Growing With Grammar (JackKris)	\$ 19.99
54253	3/14/2014	Guitar Center	\$ 2.15
54254	3/14/2014	Handwriting Without Tears	\$ 25.31
54255	3/14/2014	Hayley Hamilton	\$ 161.90
54256	3/14/2014	Home Science Tools	\$ 67.45
54257	3/14/2014	Houghton Mifflin Harcourt - Acct#147529	\$ 601.59
54258	3/14/2014	Huckleberry Center	\$ 2,100.98
54259	3/14/2014	Jackdaw Publications	\$ 67.50
54260	3/14/2014	Jeannie Gudith	\$ 140.37
54261	3/14/2014	Joe Ferrante Music Academy	\$ 596.00
54262	3/14/2014	Joyce Salsberry	\$ 146.72
54263	3/14/2014	Kelly Villalovos	\$ 133.16
54264	3/14/2014	Keyboard Galleria Music Center	\$ 207.50
54265	3/14/2014	Kumon Math & Reading- Burbank	\$ 600.00
54266	3/14/2014	Live Education!	\$ 590.00
54268	3/14/2014	Mary Jo Stirling	\$ 152.66
54269	3/14/2014	Meg Rydman	\$ 100.24
54270	3/14/2014	Melissa Barnett	\$ 142.69
54271	3/14/2014	Norma McBride	\$ 98.56
54272	3/14/2014	North Dakota Center For Distance Education	\$ 36.39
54273	3/14/2014	Office Depot	\$ 134.90
54274	3/14/2014	Office Depot eCommerce	\$ 263.98
54275	3/14/2014	Old Town Music Co.	\$ 27.45
54276	3/14/2014	Pasadena Conservatory Of Music	\$ 225.00
54277	3/14/2014	Peace Hill Press, Inc	\$ 94.91

**Golden Valley Charter School
WARRANT REGISTER: March 2014**

Check Number	Check Date	Vendor	Total
54278	3/14/2014	Rainbow Resource Center	\$ 3,695.33
54279	3/14/2014	Rancho Simi Recreation & Park	\$ 54.00
54280	3/14/2014	Rosetta Stone, Ltd. (Fairfield Language Tech.)	\$ 318.48
54281	3/14/2014	School Specialty Inc.	\$ 105.91
54282	3/14/2014	Singapore Math, Inc	\$ 947.64
54283	3/14/2014	Staples - eCommerce	\$ 314.18
54284	3/14/2014	Staples Business Advantage	\$ 66.24
54285	3/14/2014	Stephanie Hagenbach	\$ 129.51
54286	3/14/2014	Steven Sunnarborg Musical Serv	\$ 132.00
54287	3/14/2014	Tamie Stewart	\$ 126.56
54288	3/14/2014	The Little Gym of La Canada	\$ 174.80
54289	3/14/2014	Thinkwell Corporation	\$ 125.00
54290	3/14/2014	Tiffany Stark	\$ 358.40
54291	3/14/2014	Time 4 Learning	\$ 25.00
54292	3/14/2014	Ventura Family YMCA	\$ 265.00
54293	3/14/2014	Wendy Hand-Hogan	\$ 197.18
54294	3/14/2014	Wendy Theobald	\$ 147.28
54295	3/14/2014	Write At Home	\$ 874.00
54296	3/14/2014	Young At Art- Simi Valley	\$ 430.00
54297	3/14/2014	Zaner- Bloser	\$ 279.13
54298	3/14/2014	LivelyLatin	\$ 271.88
54299	3/21/2014	A Child's Dream Come True	\$ 72.05
54300	3/21/2014	All About Spelling	\$ 47.90
54301	3/21/2014	American Science & Surplus	\$ 88.05
54302	3/21/2014	APLUS+	\$ 2,375.00
54303	3/21/2014	Apple Inc	\$ 2,351.45
54304	3/21/2014	Art Supplies Wholesale	\$ 388.49
54305	3/21/2014	Art with Sara	\$ 221.42
54306	3/21/2014	Arts Attack	\$ 214.88
54307	3/21/2014	Audio Memory Publishing	\$ 36.14
54308	3/21/2014	Barnes & Noble Inc	\$ 641.70
54309	3/21/2014	Blackbird & Company	\$ 343.76
54310	3/21/2014	California Science Center Foundation	\$ 150.00
54311	3/21/2014	Central Music	\$ 61.12
54312	3/21/2014	Children's Music Academy	\$ 745.00
54313	3/21/2014	City of La Mirada	\$ 68.00
54314	3/21/2014	Classic Education, Inc	\$ 63.05
54315	3/21/2014	Del Sol Books	\$ 118.33
54316	3/21/2014	Delta Education	\$ 602.43
54317	3/21/2014	Dick Blick Company	\$ 793.91
54318	3/21/2014	Discount School Supply	\$ 254.61
54319	3/21/2014	Education Station	\$ 68.59
54320	3/21/2014	Emh Sports USA, Inc	\$ 444.00
54321	3/21/2014	Follett Educational Services	\$ 109.57
54322	3/21/2014	Growing With Grammar (JackKris)	\$ 282.89
54323	3/21/2014	Guitar Center	\$ 163.73
54324	3/21/2014	Hammer-Hewson Associates	\$ 10,035.00
54325	3/21/2014	Handwriting Without Tears	\$ 15.09
54326	3/21/2014	Home Science Tools	\$ 413.80

**Golden Valley Charter School
WARRANT REGISTER: March 2014**

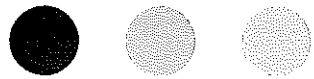
Check Number	Check Date	Vendor	Total
54327	3/21/2014	Houghton Mifflin Harcourt - Acct#147529	\$ 781.09
54328	3/21/2014	Huckleberry Center	\$ 1,783.50
54329	3/21/2014	Huntington Learning Center Simi Valley	\$ 240.00
54330	3/21/2014	Insect Lore	\$ 64.41
54331	3/21/2014	Iron Fist Martial Arts, LLC	\$ 600.00
54332	3/21/2014	Joe Ferrante Music Academy	\$ 1,728.75
54333	3/21/2014	K12 Inc	\$ 366.99
54334	3/21/2014	Kids Art Inc - Northridge	\$ 174.00
54335	3/21/2014	Kids Art Inc - Sherman Oaks	\$ 261.00
54336	3/21/2014	Lakeshore Learning Materials	\$ 259.56
54337	3/21/2014	Learn Beyond the Book, LLC	\$ 734.08
54338	3/21/2014	Lego Education	\$ 773.16
54339	3/21/2014	Lewis Music Academy	\$ 3,992.75
54340	3/21/2014	Math- U- See California, Inc	\$ 654.67
54341	3/21/2014	McGraw-Hill	\$ 54.05
54342	3/21/2014	Mindware	\$ 281.87
54343	3/21/2014	Mission Renaissance	\$ 187.00
54344	3/21/2014	Modest Fly Art Studio Gallery	\$ 160.00
54345	3/21/2014	Moving Beyond The Page	\$ 258.67
54346	3/21/2014	Mr. Peter's Piano Studio	\$ 125.00
54347	3/21/2014	Museum Tour, Inc.	\$ 209.75
54348	3/21/2014	Nancy Larson Publishers, Inc.	\$ 315.02
54349	3/21/2014	North Dakota Center For Distance Education	\$ 480.83
54350	3/21/2014	Office Depot	\$ 1,060.89
54351	3/21/2014	Office Depot eCommerce	\$ 1,137.37
54352	3/21/2014	Oriental Trading Company, Inc.	\$ 42.99
54353	3/21/2014	Ottsen Music Studio	\$ 210.00
54354	3/21/2014	Ovation School For Performing Arts	\$ 375.00
54355	3/21/2014	Paper, Scissors, Stone	\$ 27.00
54356	3/21/2014	Peace Hill Press, Inc	\$ 170.27
54357	3/21/2014	Rainbow Resource Center	\$ 5,410.50
54358	3/21/2014	Rancho Simi Recreation & Park	\$ 48.35
54359	3/21/2014	Rose Bowl Aquatics Center	\$ 98.50
54360	3/21/2014	Rosetta Stone, Ltd. (Fairfield Language Tech.)	\$ 173.31
54361	3/21/2014	School Specialty Inc.	\$ 29.56
54362	3/21/2014	Singapore Math, Inc	\$ 554.59
54363	3/21/2014	Staples - eCommerce	\$ 521.73
54364	3/21/2014	Staples Business Advantage	\$ 32.19
54365	3/21/2014	Steve Spangler Science	\$ 79.94
54366	3/21/2014	Swords Fencing Studio Inc	\$ 95.00
54367	3/21/2014	Sylvia Klein	\$ 195.21
54368	3/21/2014	Tae Ryong TaeKwonDo School - Camarillo	\$ 209.54
54369	3/21/2014	TaeKwonDo Plus	\$ 277.50
54370	3/21/2014	The Red Chair School of Perf.	\$ 412.00
54371	3/21/2014	The Teaching Company	\$ 542.20
54372	3/21/2014	Topanga Art Imaginarium	\$ 40.00
54373	3/21/2014	Treetop Publishing	\$ 36.20
54374	3/21/2014	Vibe Performing Arts Studios	\$ 96.00
54375	3/21/2014	Waller's Gymjam Academy	\$ 680.00

**Golden Valley Charter School
WARRANT REGISTER: March 2014**

Check Number	Check Date	Vendor	Total
54377	3/21/2014	Young Rembrandts- Ventura	\$ 171.04
54378	3/21/2014	Zaner- Bloser	\$ 93.33
54379	3/21/2014	Woodwind & Brasswind	\$ 130.79
54381	3/25/2014	Special Ed Asst & Tech Support, Inc	\$ 38,215.72
54382	3/28/2014	A Child's Dream Come True	\$ 106.85
54383	3/28/2014	All About Spelling	\$ 99.70
54384	3/28/2014	American Science & Surplus	\$ 62.80
54385	3/28/2014	Apple Inc	\$ 480.42
54386	3/28/2014	Art Supplies Wholesale	\$ 767.86
54387	3/28/2014	Art with Sara	\$ 100.00
54388	3/28/2014	Arts Attack	\$ 181.63
54389	3/28/2014	Ballet Academy Ventura	\$ 142.00
54390	3/28/2014	Barnes & Noble Inc	\$ 502.31
54391	3/28/2014	Blackbird & Company	\$ 38.53
54392	3/28/2014	Canyon Theatre Guild	\$ 223.33
54393	3/28/2014	Carolina Biological Supply Co	\$ 22.15
54394	3/28/2014	Cassell's Music, Inc	\$ 560.00
54395	3/28/2014	Central Music	\$ 270.00
54396	3/28/2014	Chinaberry Inc	\$ 89.41
54397	3/28/2014	City of La Mirada	\$ 105.00
54398	3/28/2014	Conejo Recreation and Park Dis	\$ 127.00
54399	3/28/2014	Creation Engine, Inc.	\$ 144.32
54400	3/28/2014	Cuizon Ballet Centre	\$ 1,394.40
54401	3/28/2014	Cynthia Marston	\$ 169.69
54402	3/28/2014	Del Sol Books	\$ 94.00
54403	3/28/2014	Delian Music	\$ 416.00
54404	3/28/2014	Delta Managed Solutions, Inc.	\$ 8,850.00
54405	3/28/2014	Dick Blick Company	\$ 1,104.57
54406	3/28/2014	Dorothy McCandliss	\$ 252.50
54407	3/28/2014	Education Station	\$ 1,116.12
54408	3/28/2014	Elizabeth Gomez	\$ 316.19
54409	3/28/2014	Follett Educational Services	\$ 170.98
54410	3/28/2014	Hearthsong (The Children's Group)	\$ 134.95
54411	3/28/2014	Home Science Tools	\$ 372.46
54412	3/28/2014	Houghton Mifflin Harcourt - Acct#147529	\$ 213.26
54413	3/28/2014	Huckleberry Center	\$ 730.00
54414	3/28/2014	Iceoplex Simi Valley	\$ 709.00
54415	3/28/2014	Insect Lore	\$ 169.16
54416	3/28/2014	Joe Ferrante Music Academy	\$ 120.00
54417	3/28/2014	Joyce Salsberry	\$ 98.00
54418	3/28/2014	Kelly Villalovos	\$ 144.87
54419	3/28/2014	Keyboard Galleria Music Center	\$ 110.00
54420	3/28/2014	Lakeshore Learning Materials	\$ 616.28
54421	3/28/2014	Laura Armbruster	\$ 162.61
54422	3/28/2014	Laura Guy	\$ 254.24
54423	3/28/2014	Mary Jo Stirling	\$ 150.32
54424	3/28/2014	Math Support Services, Inc.	\$ 165.00
54425	3/28/2014	Math- U- See California, Inc	\$ 212.54
54426	3/28/2014	McGraw-Hill	\$ 93.97

**Golden Valley Charter School
WARRANT REGISTER: March 2014**

Check Number	Check Date	Vendor	Total
54427	3/28/2014	Mindware	\$ 28.94
54428	3/28/2014	Mission Renaissance	\$ 178.00
54429	3/28/2014	MJP Computers	\$ 12,127.84
54430	3/28/2014	Monarch's National Gymnastics Training Center	\$ 180.00
54431	3/28/2014	Mr. Peter's Piano Studio	\$ 420.00
54432	3/28/2014	Much A Do About Shakespeare	\$ 2,693.50
54433	3/28/2014	Museum Tour, Inc.	\$ 38.90
54434	3/28/2014	Nancy Larson Publishers, Inc.	\$ 293.22
54435	3/28/2014	Office Depot	\$ 578.83
54436	3/28/2014	Office Depot eCommerce	\$ 630.08
54437	3/28/2014	Ottsen Music Studio	\$ 180.00
54438	3/28/2014	Pacific Diving Academy USA	\$ 160.00
54439	3/28/2014	Paper, Scissors, Stone	\$ 23.45
54440	3/28/2014	Peace Hill Press, Inc	\$ 287.91
54441	3/28/2014	Perfection Learning Corp	\$ 186.56
54442	3/28/2014	Play-Well TEKologies- Santa Barbara/Ventura	\$ 160.00
54443	3/28/2014	Quality Line Enterprises, Inc.	\$ 210.00
54444	3/28/2014	Racheal Yard	\$ 170.61
54445	3/28/2014	Rainbow Resource Center	\$ 4,596.51
54446	3/28/2014	Scholastic Classroom Books and Libraries	\$ 96.44
54447	3/28/2014	School Pathways	\$ 2,500.00
54448	3/28/2014	ServiceMaster Building Maintenance	\$ 329.00
54449	3/28/2014	Singapore Math, Inc	\$ 357.96
54450	3/28/2014	Staples - eCommerce	\$ 877.58
54451	3/28/2014	Staples Business Advantage	\$ 242.23
54452	3/28/2014	Steve Spangler Science	\$ 80.96
54453	3/28/2014	Steven Sunnarborg Musical Serv	\$ 396.00
54454	3/28/2014	Tae Ryong TaeKwonDo School - Camarillo	\$ 80.00
54455	3/28/2014	TaeKwonDo Plus	\$ 417.50
54456	3/28/2014	Tamora School of Irish Dance	\$ 250.00
54457	3/28/2014	TelePacific Communications	\$ 239.84
54458	3/28/2014	The Teaching Company	\$ 379.70
54459	3/28/2014	Time 4 Learning	\$ 50.00
54460	3/28/2014	U. S. Bank	\$ 412.40
54461	3/28/2014	Urban Homeschoolers	\$ 73.34
54462	3/28/2014	Waller's Gymjam Academy	\$ 165.00
54463	3/28/2014	YMCA of the Foothills	\$ 200.00
54464	3/28/2014	Young At Art- Camarillo	\$ 550.00
54465	3/28/2014	Zaner- Bloser	\$ 40.94
54466	3/28/2014	Delta Managed Solutions, Inc.	\$ 8,850.00
Grand Total			\$ 186,395.72



Golden Valley Charter School

2013-14 April Financial Update
(actuals through 3/31/14)



2013-14 April Update

- The attached reports present a summary of how GVCS is performing so far vs. the approved 2013-14 Second Interim Budget, the most recent Board-approved budget for GVCS.
- Currently, GVCS is running \$26,598 under budget through 3/31/14, but this is due to normal variances in monthly revenue and expenditure timing. This is not projected to result in significant year-end variance and should re-align in upcoming months. In general GVCS is aligning closely with the budget.
- Cash flow remains sufficient to meet all obligations for the remainder of the year, and while substantial variability continues to exist due to timing of state payments, currently no external borrowing is projected to be required.
- As with prior updates, we have left out the detail budget vs. actual reports showing individual line item performance each month vs. budget. However, we are happy to include these in this and future versions if desired, or alternatively can make them available on our secure website for optional access for board members who would like additional detail.

Golden Valley Charter School
2013-14 April Update
BUDGET VS. ACTUALS - SUMMARY

	2013-14 <u>1st Interim</u>	Year-to-Date <u>Budget</u>	Year-to-Date <u>Actuals</u>	Variance: <u>Budget vs Actual</u>
Revenues:				
Revenue Limit	\$ 4,563,603	\$ 2,717,295	\$ 2,672,130	\$ (45,166)
Federal Revenue	409,025	153,335	178,953	25,618
Other State Revenue	268,584	112,000	190,976	78,976
Other Local Revenue	8,000	4,500	6,092	1,592
TTL Revenues:	\$ 5,249,212	\$ 2,987,131	\$ 3,048,150	\$ 61,019
Expenditures:				
Certificated Salaries	\$ 1,953,660	\$ 1,403,965	\$ 1,366,416	\$ (37,549)
Non-certificated Salaries	127,480	59,000	84,882	25,882
Benefits	572,380	411,331	402,432	(8,899)
Books/Supplies/Materials	1,274,581	377,498	453,775	76,276
Services/Operations	1,143,195	1,018,726	997,437	(21,289)
Capital Outlay	-	-	-	-
Other Outgo	46,826	-	-	-
TTL Expenditures:	\$ 5,118,122	\$ 3,270,521	\$ 3,304,942	\$ 34,422
Net Revenues	\$ 131,090	\$ (283,390)	\$ (256,792)	\$ 26,598
Year-To-Date Budget vs. Actuals:		\$ 26,598 under budget so far this year		
Beginning Balance July 1	\$ 2,116,950			
Ending Balance June 30	\$ 2,248,040			
Ending Balance as % of Total Outgo:	43.9%			

The following Mesa Junior High students were presented with the following awards at the Ventura County Science Fair Awards Assembly on March 20th:

Ian Canby - 1st Place - Physics

Ashlyn Stupar - 2nd Place - Human Biology

Bella Braid - 3rd Place - Human Biology

Leana Magdaleno - 2nd Place - Animal Behavior

The 1st and 2nd place winners are now eligible to attend the the 63rd annual California State Science Fair that will be held in the California Science Center in Los Angeles on April 28 - 29, 2014.

Sixteen Mesa 7th grade students participated in the Ventura County Science Fair this year. We commend them for their hard work and pursuit of knowledge through the scientific process.

Payton Albanese	Leana Magdaleno
Riley Aucutt	Eric Ochoa
Bella Braid	Cassidy Shields
Ian Canby	Greysen Sjoquist
Will Dykes	Baylor Stotko
Ryan Franke	Ashlynn Stupar
Jazmin Leon	Andrew Tarazon
Madigan McC lure	Caden Ziegler

MESA UNION SCHOOL DISTRICT
Resolution # 13-14-09
REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE
AND RELEASE OF TEMPORARY CERTIFICATED EMPLOYEES
(Education Code Sections 44949, 44954, 44955)

WHEREAS, Sections 44909, 44920, and of the Education Code permit the Board of Trustees to classify certain certificated employees as "temporary;" and,

WHEREAS, the Board of Trustees has, in fact, employed temporary certificated employees pursuant to Sections 44909, 44920, and/or of the Education Code, and,

WHEREAS, such employees accepted employment as temporary certificated employees pursuant to the terms of offer letters and/or employment contracts which provide for a specific duration of employment; and,

WHEREAS, time served as a temporary certificated employee is not credited toward the attainment of permanent status unless the temporary certificated employees serves more than seventy-five percent (75%) of school days and is subsequently appointed to a vacant probationary position in the succeeding school year; and,

WHEREAS there is no relative seniority between temporary certificated employees; and,

WHEREAS, Section 44954 of the Education Code permits the Board of Trustees to release temporary certificated employees from employment, with limited restrictions, and the Board desires to release all temporary certificated employees and their services no later than the conclusion of the 2013-2014 school year; and,

WHEREAS, enumerated categorically funded certificated services currently being performed by temporary employees have been additionally specifically identified for reduction or discontinuance in Resolution # 13-14-07, and therefore the categorically funded temporary employees performing such services must be released in order to effectuate such reductions; and

WHEREAS, although temporary certificated employees are not generally entitled to the due process rights afforded to permanent and probationary certificated employees as enumerated in Education Code Sections 44949 and 44955, out of an abundance of caution the Superintendent of Mesa Union School District has recommended that categorically funded temporary certificated employees potentially affected by the reduction or discontinuance of the particular kinds of services identified in Resolution #13-14-07 be noticed that they may request a hearing and participate in layoff proceedings pursuant to Education Code Sections 44949 and 44955, with the understanding that the District would continue to maintain at any such proceedings that such individuals were temporary certificated employees whose employment was subject to termination at the conclusion of the 2013-2014 school year;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That all the foregoing recitals are true and correct.
2. That the Superintendent, or his designated representative, is directed to issue to appropriate notices to all temporary certificated employees listed in Exhibit A, attached hereto and incorporated by reference herein, notifying them that the Board of Trustees has determined to release them from employment at the conclusion of the 2013-2014 school year pursuant to the above recitals and in accordance with

Sections 44954, 44955, and 44949 of the Education Code, and that categorically funded temporary certificated employees affected by the reduction or discontinuance of the particular kinds of certificated services identified in Resolution #13-14-07 as being performed by categorically funded temporary certificated employees be given the type of notice recommended by the Superintendent as described herein.

3. That the Superintendent, or his designated representative, is delegated authority to take such further and additional actions as are necessary and appropriate to accomplish the purpose of this Resolution.

ADOPTED by the Board of Trustees of the Mesa Union School District on this 22nd day of April, 2014, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Noel Camanag
President, Board of Trustees

I, Dr. Michael Babb, Secretary of the Board of Trustees of the Mesa Union School District, do certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its regular meeting held on April 22, 2014.

Dr. Michael Babb
Secretary, Board of Trustees

MESA UNION SCHOOL DISTRICT

EXHIBIT A

Temporary Certificated Employees to be Released

The following temporary certificated employees shall be provided with appropriate notices indicating their release from employment with the Mesa Union School District at the conclusion of the 2013-2014 school year:

Employee # 10080

Employee # 10089

Employee # 10099

Employee # 10112

**BEFORE THE BOARD OF TRUSTEES OF THE
MESA UNION SCHOOL DISTRICT
Somis, California**

Resolution No. 13-14-10

**CALIFORNIA ENERGY COMMISSION
BRIGHT SCHOOLS PROGRAM**

WHEREAS, the California Energy Commission's Bright Schools Program provides technical assistance to school districts; and

WHEREAS, the Mesa Union School District Board of Trustees authorizes the Mesa Union School District to apply for technical assistance; and,

WHEREAS, the Mesa Union School District recognizes that the California Energy Commission has limited funds available to provide technical assistance and that primary consideration will be given to those school districts that have a desire and willingness to seek funding to implement the feasible recommended energy efficiency measures;

NOW, THEREFORE, BE IT RESOLVED that the district superintendent is hereby authorized and empowered to execute in the name of the Mesa Union School District all necessary documents to implement and carry out the purposes of this resolution.

ADOPTED by the Board of Trustees of Mesa Union School District this 22nd day of April, 2014, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

NOES: _____

Noel Camanag
President, Board of Trustees

I, Judith Thielmann, Clerk of the Board of Trustees of the Mesa Union School District, do certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its Regular meeting held on April 22, 2014.

Judith Thielmann
Clerk, Board of Trustees

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MESA UNION SCHOOL DISTRICT AND
GOLDEN VALLEY CHARTER SCHOOL

RECITALS

A. CHARTER GRANTED TO GOLDEN VALLEY CHARTER SCHOOL

The governing board of the Mesa Union School District ("District") granted a Charter ("Charter") to Golden Valley Charter School ("Charter School") on December 18, 2000 pursuant to the terms of the California Charter Schools Act of 1992, as amended. This Charter, among other matters, calls for the District and the School to enter into a mutually agreeable memorandum of understanding regarding the funding entitlements of the Charter School pursuant to Education Code Section 47612.

B. PURPOSE OF THIS MEMORANDUM

This Memorandum Of Understanding ("Agreement") outlines the specific funding sources anticipated to be available to the Charter School, the specific terms under which the District will claim funding entitlements on behalf of the Charter School, and the District will make such funding available to the Charter School. It also outlines and defines the operational relationship between Charter School, and District, and resolves other matters of mutual interest.

C. ENFORCED AS PART OF CHARTER

To the extent that this Agreement is inconsistent with any of the terms of the Charter, this Agreement shall supersede the terms of the Charter. Violation of this Agreement may be enforced by the District as violation of the Charter under Education Code Section 47607.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements herein set forth, the Charter School and the District do hereby agree as follows:

1. TERM

This Agreement shall cover the fiscal year beginning July 1, 2014 and ending June 30, 2015.

2. RENEWAL

The Charter School and the District intend to use this Agreement as the basis for developing similar understandings in future fiscal years. Both parties agree to meet and discuss the terms of this and future agreements in good faith and in a timely manner.

3. DESIGNATION OF STATUS OF CHARTER SCHOOL

A. The Charter School covered by this Agreement shall be known as the Golden Valley Charter School. The Charter School shall be operated as a non-profit public benefit corporation pursuant to California law and shall be responsible for all functions of the Charter School subject to the terms and conditions set forth in this Agreement and its charter.

B. Grade Levels: It is recognized that the Charter School will serve students in grades K-12.

C. The educational program and grade level offerings shall be in compliance with the charter petition approved by the District on December 18, 2000, and any subsequently authorized amendments.

D. Charter School Authority: The Charter School, in performing its duties and obligations under the Charter and this Agreement, shall have the power and authority, consistent with federal and state law, to:

- (1) Contract for goods and services with the District and/or any appropriate third party;
- (2) Prepare and operate within a budget;
- (3) Perform, or contract for, required personnel services;
- (4) Procure insurance;
- (5) Lease, purchase, or otherwise contract with any appropriate third party for the use of facilities for Charter School purposes and the operation and maintenance thereof;
- (6) Purchase, lease or rent operational furniture, equipment and supplies;
- (7) Accept and expend gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and are not contrary to any of the terms of this Agreement;
- (8) Perform, or contract for, the business administration services necessary for the operation of the Charter School, maintaining compliance with state and District oversight requirements;
- (9) Establish and conduct an educational program and curriculum as provided in the Charter;
- (10) Conduct extra and co-curricular activities and programs;
- (11) Conduct professional development for all principals, instructional personnel, and non-instructional personnel;

- (12) Select and acquire instructional materials, equipment and supplies;
- (13) Exercise such other powers as are provided for elsewhere in this Agreement to the extent consistent with this Agreement; and
- (14) Generally, take such other actions as may be necessary or desirable to properly and efficiently operate the Charter School.
- (15) Investigate and respond to complaints against the charter school in accordance with applicable charter policies and the provisions of this MOU.

4. PROGRAMMATIC AUDIT

The Charter School will compile and provide to the District an annual performance audit. This audit will, at a minimum, include the following data:

A. Summary of data showing student progress toward the goals and outcomes specified in the Charter using the assessment instruments and techniques listed in the Charter.

B. Information reflecting the Charter School has complied with the High School Exit Examination provisions of the Education Code (Stats. 1999, Chap. 1X) and any applicable regulations adopted thereunder – including the limitation on graduation, and information regarding the number of students taking, and passage rate on, the High School Exit Exam, if applicable grades levels are being served.

C. Analysis of whether student performance is meeting the goals specified in the Charter. This data will be displayed on both a school-wide basis and dis-aggregated by major racial and ethnic categories to the extent feasible without compromising student confidentiality.

D. Data on the level of parent involvement in the Charter School's governance (and other aspects of the Charter School, if applicable) and a summary of data from an annual parent and student satisfaction survey, together with a summary of actions taken or planned to correct deficiencies or improve results in the foregoing.

E. Data regarding the number of staff working at the Charter School and their qualifications.

F. A copy of the Charter School's health and safety policies and/or a summary of any major change to those policies during the year, as well as a summary of all health and safety issues arising since the last report, and a summary of actions taken or planned to correct deficiencies or improve results in the foregoing.

G. Analysis and comparison of the racial and ethnic makeup of charter pupils as compared to the general population of residents within the territorial boundaries of the District, including outreach actions taken to strive to achieve the charter pupil population is reflective of the general population of the District.

H. Analysis of the Charter School’s admissions practices, data regarding the numbers of students enrolled, dis-enrolled, denied admission and the reasons therefore, the number on waiting lists, and information on any plans for expansion to accommodate more pupils, including those on the waiting lists.

I. Analysis of the effectiveness of the Charter School’s internal and external dispute mechanisms, and data on the number and resolution of disputes and complaints.

J. Other information regarding the educational program and the administrative, legal, and governance operations of the Charter School relative to compliance with the terms of the charter, generally.

5. FUNDING

A. To the extent that the Charter School is required to submit records or information to the District or the County Office of Education in order to confirm funding, those records must be prepared by or for the Charter School in conformance with District or County procedures and software requirements.

B. In addition to the statutory Local Control Funding Formula (LCFF) allocation, the parties recognize the authority of the Charter School to pursue additional sources of funding.

(1) The District has no obligation to apply for additional sources of funding for the Charter School. However, if the District applies for additional sources of funding in the form of grants and/or categorical funding at the request of and for the benefits of the Charter School, the District will receive an amount equal to the District’s state-approved indirect cost rate of such funds to be allocated to the Charter School as an indirect charge, or as required by the specific grant or by law. Funds may be allocated to the Charter School on a prorated basis related to the formula which generates the funds. For example, if funds are generated on a per eligible student basis, they may be allocated to the Charter school on a per eligible student basis minus the administration fee (indirect charge fee) charged by the District. The Charter School shall cooperate fully with the District in any application made by the District on behalf of the students of the Charter School.

(2) It is anticipated that the Charter School may be entitled to funding from formula-based categorical or restricted-use funding programs, including , Special Education, Lottery Instructional Materials, , a variety of state and federal application based programs, as well as various grant opportunities. Except as otherwise noted in this agreement, it shall be the responsibility of the Charter School to apply for this funding which is beyond the basic statutory entitlement. Charter School agrees to comply with all regulations related to expenditures and receipt of such funds.

(3) The Charter School elects to receive the state aid portion of the LCFF in accordance with Education Code section 47651(a)(1). Funds for the Charter School will be deposited directly into a treasury account held by the Ventura County Office of Education (VCOE) and then issued directly to the Charter School.

(4) The Charter School will be entitled to the charter school LCFF allocation per ADA. The in-lieu amount to be transferred by the District to the Charter School shall be the estimated amount certified by the California Department of Education. The District shall transfer funding in lieu of property taxes to the Charter School in monthly installments by no later than the fifteenth of each month in accordance with Education Code Section 47635 unless agreed to otherwise in writing by both the Charter School and the District.

(5) It is anticipated that the Charter School may qualify for funding from sources that are otherwise not listed herein. Such sources may include Title I and Title VI. It is the charter school's responsibility and authority to determine its eligibility and apply for any such funding, and to choose whether to apply for these sources of funding.

C. Mandated Costs

(1) The Charter School is responsible for applying for the Mandated Block Grant Program pursuant to Government Code Section 17581.6(e) if the Charter chooses to participate in the program.

D. The Charter School will not request or negotiate for any of the following: parcel taxes, developer fees, or local donations given to the District unless they are specifically donated to the Charter School.

E. The Charter School may receive funding from new or "one-time" funding sources available to schools or school districts provided by the State of California in the current year Budget Act and/or related legislation only to the extent that the Charter School and its students generate, apply and qualify for such entitlements.

F. The District shall transfer funds received on behalf of the Charter School to the Charter School as soon as possible and within 30 days of receipt of the funds or apportionment.

G. The Charter School agrees that all revenue obtained from the District shall only be used for the provision of educational services for school age children enrolled in and attending the Charter School and shall not be used for purposes other than those set forth in the approved Charter, any authorized amendments, and this agreement.

6. LEGAL RELATIONSHIP

A. The Parties recognize that the Charter School is a separate legal entity. The Charter School shall be operated as a non-profit public benefit corporation under Education Code Section 47604. As such, the District shall not be liable for the debts or obligations of the Charter School.

B. The Parties agree and understand that employees of the Charter School are not employees of the District, but shall be employees of the Charter School, and that the Charter School shall be the employer for purposes of collective bargaining as provided in Education Code Section 47605(b)(5)(O).

C. With respect to all of its operations under this Agreement, the Charter School shall, to the fullest extent permitted by law, hold harmless, indemnify, and defend the District, its trustees, officers, agents and employees from and against any and all claims, demands, actions, suits, losses, liability expenses and costs, including without limitation attorneys' fees and costs, arising in any way out of operation of the Charter School and/or caused by, connected with, or attributable to the willful misconduct, negligent acts, errors or omissions of the Charter School or its trustees, officers, employees, agents and/or consultants, excepting only those claims, demands, actions, suits, losses, liability expenses and costs caused by the negligence or willful misconduct of the District, its trustees, officers, agents and employees. The District shall be named as an additional insured under all insurance carried on behalf of the Charter School.

D. Any complaints/concerns received by the District about any aspect of the operation of the Charter School or about the Charter School shall be forwarded by the District to the Charter School. The Charter School will provide the District with written documentation of how such concerns/complaints were addressed within 60 days of the submission of the complaint to the Charter School. If the Charter School fails to provide such documentation, the District retains the right to investigate such concerns/complaints. Any costs borne by the District in conducting such an investigation will be paid by the Charter School.

E. Facilities: As to any facilities provided by Charter School and not by District:

(1) The Charter School will obtain required sites and facilities, as necessary, and will be responsible for all costs of maintenance and operations thereof;

(2) Such facilities shall meet all applicable health and fire codes requirements and shall be of sufficient size to safely house anticipated enrollment and purposes;

(3) The parties acknowledge the decision of the Charter School to comply with the State Building Code rather than the Field Act Standards. Charter School may offer educational programs in facilities that are not otherwise approved under the Field Act;

(4) Charter School facilities and programs must conform with the Americans with Disabilities Act and any other federal or State requirement that may be applicable to charter schools;

F. The Charter School agrees not to avail itself of any rights it may have for facilities of the District pursuant to Education Code Section 47614.

G. Special Program/Services and/or Activities/Sports: In the event that either party to this agreement wishes to have its students and or staff participate in a program/service/activity offered by the other party, advance approval and arrangements must be made. It is fully recognized that expenses for such participation may be charged. Such arrangements must be made with the appropriate site administration in advance and confirmed in writing.

H. The Charter School will be responsible for procuring its own legal counsel and for the costs of such service.

I. Jurisdiction: The parties agree that for all legal action the appropriate jurisdiction is Ventura County, State of California.

J. To the extent that the combined ADA for the District and the Charter School causes the District to lose the Direct Services Funding from VCOE, the Charter School shall reimburse to District any lost funding or the cost of lost services and/or the like.

7. SUPERVISORIAL OVERSIGHT

A. The Charter School and the District agree that "oversight" and "supervisorial oversight," as used in Education Code Sections 47604.32 and 47613 shall include the following:

- (1) All activities related to the charter revocation and renewal processes, and described in Section 47607;
- (2). Activities relating to monitoring the performance and compliance of the Charter School with respect to the terms of its Charter, related agreements, and all applicable laws;
- (3) Participating in the dispute resolution process as described in the Charter;
- (4) Review and timely response to the Charter School's Annual School Performance Report and Annual Independent Fiscal Audit;
- (5) Identification of at least one District staff member as a contact person for the Charter School;
- (6) A visit to the Charter School at least annually;
- (7) Ensuring that the Charter School complies with all reports required of charter schools by law;
- (8) Monitoring the fiscal condition of the Charter School;
- (9) Providing timely notification to the department if any of the following circumstances occur or will occur with regard to the Charter School: (i) a renewal of the charter is granted or denied, (ii) the charter is revoked, (iii) the Charter School will cease operation for any reason.

B. Oversight Fee: The parties agree District will incur costs in connection with performance of such supervisorial activities, that the cost to be incurred by District will meet or exceed the statutory cap on reimbursement, and that for such reason it is not in the best interests of either party to require a mechanical assessment, accounting, billing and payment process to compensate District for such matters. For this reason, the parties agree the reasonable value of the supervisorial oversight services provided by District shall be deemed to be and liquidated at:

[check one] (1) 1% of the revenue¹ of the Charter School.

_____ (2) 3% of the revenue of the Charter School, in light of the facilities being provided essentially rent-free to the Charter School. The facilities provided by District include: [*specify*]

C. Charter School shall pay the District the indicated amount annually within seventy five (75) days of the end of the fiscal year for each year this agreement is in effect.

¹ “Revenue” is defined as the Charter School’s total LCFE allocation including the base grant, grade span adjustment, supplemental grant and concentration grant in accordance with Education code Section 47613(f) as defined in Education Code Sections 47632, 47632(a) and (b), pursuant to 42238.02, as implemented by 42238.03.

D. The parties agree that should District be requested or required to perform services other than as outlined above, it will incur additional costs or expenses, which Charter School agrees are not included within the services under the indicated cap, and which Charter School agrees to reimburse on invoice by District. Upon request, the District shall provide the Charter School with additional information documenting the fees incurred by the District, including but not limited to the initial request or requirement which led to the services of the District. Charter School will require a written contract from District prior to District commencing services.

E. A complete board packet, including without limitation all Board meeting agendas, budget, enrollment, cash-flow updates and all other meeting information being disseminated to any legislative body of the Charter School will be sent to the District in sufficient time prior to the meetings to allow for inclusions to be made by the District.

F. Charter School agrees to provide regular information packets to District on the workings of the Charter School, including the budget information and other data noted in the Data Reporting section of this MOU, and other such information as may be requested by District as part of its oversight and supervision duty.

8. FISCAL RELATIONSHIP

A. The District and the Charter School agree that the District shall not be required to act as the fiscal agent for the Charter School. It is understood that, as between the District and the Charter School, the Charter School shall be responsible for all fiscal services such as payroll, purchase orders, attendance reporting and state budget forms.

B. Charter School may, if it chooses, contract with the District for services by way of a separate written agreement. The provision of such services shall be at no cost to the District.

C. To the extent that the District is required to submit financial forms on behalf of the Charter School, the Charter School is responsible for providing the necessary information to the District in a timely manner and in a format consistent and compatible with District software systems. The Charter School agrees to follow processing schedules and District business office procedures.

D. The Charter School agrees that they will not take out loans or incur any long-term debt without the prior approval of the District, which approval shall not be unreasonably withheld. The Charter School shall establish a fiscal plan for repayment of any loans received by the Charter School in advance of application for such loans. Repayment of all loans sought by the Charter School shall be the sole responsibility of the Charter School and the District shall have no obligation for repayment.

E. A copy of any lease or contract which financially obligates the Charter School for an amount of \$15,000 or more, or for a term of which is greater than one year, shall be provided to the District at least ten (10) working days prior to execution.

F. Payroll Services: The Charter School may contract with the District or with a reputable, bonded, and insured payroll contractor, by separate written agreement, to prepare payroll checks, tax and retirement withholdings, tax statements and to perform other payroll support functions.

G. Absent a written agreement otherwise, the District shall not be required to advance any funds to the Charter School, nor be required to provide a line of credit for the Charter School.

H. The Charter School shall be solely responsible for any transportation, and the costs thereof, offered to students who enroll in the Charter School.

9. FISCAL CONTROLS

A. Budget:

(1) The Charter School shall develop and monitor its budget in accordance with an annual budget development and monitoring calendar to be developed by the Charter School.

(2) The Charter School shall maintain a reserve equivalent to that of a school district of similar size.

(3) The Charter School shall adopt and meet generally accepted accounting principles and shall adopt policies to ensure the Charter School's funds are used to most effectively support the Charter School's mission and to ensure that funds are budgeted, accounted for, expended, and maintained in an appropriate fashion. Such policies will include, but not be limited to, principles that ensure that: (i) expenditures are authorized by and in accord with amounts specified in the Board-adopted budget; (ii) the Charter School's funds are managed and held in a manner that provides a high degree of protection of the Charter School's assets; and (iii) all transactions are recorded and documented in an

appropriate manner that allow reporting to the State as required by the Charter School, the District, the County Office of Education or Department of Education.

(4) The Charter School will establish a system for internal fiscal management, to include cash flow check points, hiring of auditor, audit timeline, and attendance and other reporting as further outlined in this agreement.

(5) The Charter School shall prepare and submit to the District (i) by July 1 of each year, a proposed budget for the upcoming fiscal year showing estimate revenues and expenditures based on identified and reasonable assumptions, and (ii) monthly financial reports displaying the financial status of the Charter School. Such reports shall display budgeted revenues and expenditures as compared with actual figures to date and projected year-end figures, by major category of revenue and expenditure.

B. All service purchases and materials and/or equipment purchases over \$25,000 must include documentation of a good faith effort to secure the lowest possible cost for comparable goods or services. Neither the Charter School Board nor the Charter School Director shall approve purchase orders or check requests lacking such documentation. Documentation shall be attached to all such check and purchase order requests showing that at least three (3) competitive proposals were obtained. Such documentation shall be maintained until the annual audit has been completed. All purchases in excess of public contract code bid amounts must be bid by in accordance with the law.

C. Annual Audit: The Charter School shall not be part of the annual District fiscal auditing process. The Charter School shall be responsible for having an annual independent financial audit done of the entire Charter School operation in accordance with all applicable laws. Such audit shall include all revenue and income, regardless of source, and all expenditures and/or allocations of the Charter School. The audit shall be completed, and a copy of the audit report shall be submitted to the District, VCOE , the State Controller, and the State Department of Education on or before December 15 of each year. The Charter School and its employees at the Charter School agree to implement all final audit recommendations unless other terms are agreed to between the District and the Charter School. The Charter School reserves the right to pursue any available legal remedy to dispute an audit finding.

D. Banking Arrangements: The Charter School will maintain its accounts either in the county treasury or at a federally-insured commercial bank or credit union. Funds will be deposited in non-speculative accounts including federally insured savings or checking accounts or invested in non-speculative federally backed instruments. The Charter School's business manager will reconcile the Charter School's ledger(s) with its bank accounts or accounts in the county treasury on a monthly basis and prepare (1) a balance sheet, (2) a comparison of budgeted to actual revenues and expenditures to date, and (3) a cash flow statement. The Charter School Director will regularly review these statements. The Charter School will deposit all funds received as soon as practical upon receipt.

E. Property Inventory: The Charter School Executive Director shall establish and maintain an inventory of all non-consumable goods and equipment over \$500. This inventory shall include the original purchase price and date, a brief description, serial numbers, and other information appropriate for documenting the Charter School's assets.

F. Payroll And Employee Expense Accounting: The Charter School shall establish and oversee a system to prepare time and attendance reports and submit payroll check requests. The Charter School Executive Director and/or Business Manager will review payroll statements monthly to ensure that (1) the salaries are consistent with staff contracts and personnel policies and (2) the proper tax, retirement, disability, and other withholdings have been deducted and forwarded to the appropriate authority. All staff expense reimbursements will be on checks separate from payroll checks. Upon hiring of staff, a personnel file will be established with all appropriate payroll-related documentation including a federal I-9 form, tax withholding forms, retirement data and use of sick leave.

G. Other Fiscal Control Policies: The Charter School shall develop and maintain other fiscal control policies as recommended by independent certified public accountants retained by the Charter School to advise it on fiscal control policy matters.

10. SPECIAL EDUCATION

A. Charter School shall be deemed a public school of the District, which shall be the LEA for the purposes of compliance with all provisions of federal law and implementing regulations on the education of individuals with exceptional needs (20 U.S.C. Chapter 33, the Individuals with Disabilities Education Act) and eligibility for federal and state special education funds. The Charter School shall work cooperatively with the District to ensure provision of services to pupils with special needs.

B. District Oversight, Special Education: The District is responsible for oversight of the Special Education program of the Charter School, as outlined in EC47646 (a) *“The agency that granted the charter shall ensure that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with their individualized education program and is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations.”* It is agreed the District’s special education obligations will include only the following:

- (1) Representing the interests of the Charter School on the Ventura County SELPA governance council;
- (2) The District shall serve as the Charter School’s LEA for purposes of Special Education. Ventura County SELPA shall allocate funding to the District for the provision of special education services in accordance with their AB 602 Implementation Plan, and the District will distribute said funds to the Charter School for purposes of special education up to the limit of special education revenue generated by the Charter School each year.
- (3) Ensuring that the Charter School Administration participates in any relevant communications between the District and SELPA;
- (4) Providing a District contact who will work collaboratively with the Charter School and who is responsible for oversight of the Charter School’s special education program;

(5) Submitting all required reporting, filings, etc., to fully comply with SELPA and state requirements, and to receive entitled funding;

(6) Reviewing the Charter School's special education program, policies and procedures to ensure compliance with District and SELPA policies, and all applicable State and Federal laws;

(7) Cooperating with the Charter School in the resolution of all Special Education complaints, mediations, Fair Hearings and related legal actions.

(8) Under this agreement, the District in conjunction with the Charter School will be responsible for ensuring special education services are provided to all students enrolled in the charter regardless of their residency.

C. The Charter School shall assure a free appropriate public education (FAPE) be provided for all children with disabilities attending Golden Valley in accordance with state and federal legal mandates. A full continuum of special education programs and related services shall be provided by the Charter School as required by individual student's IEPs.

D. Special Education Student Services: The Charter School will deliver required and appropriate special education services to students enrolled in the Charter School, unless other agreements have been reached between District and Charter School and agreed to in writing by both parties. These services provided by Charter School shall include but not be limited to:

(1) Child Find;

(2) Initial, Annual and Triennial evaluations;

(3) IEP development and implementation;

(4) Delivery of all special education services as delineated on all Charter students' IEPs;

(5) Special Education Transportation as indicated on a Charter School student's IEP's;

(6) Due Process, compliance proceedings, and related attorney fees;

(7) Inter and Intra SELPA placements;

(8) Nonpublic School / Agency placement;

(9) Submission of all required reports, filings, etc. to fully comply with District, SELPA, and State requirements.

E. Charter School, as the party responsible for provision of required special education services, shall either contract for provision of such services with a qualified provider

or utilize a Charter School employee who possesses appropriate special education credential(s). The District and the Charter School's goals are to employ "highly qualified staff" to provide special education services as outlined in *No Child Left Behind (NCLB)* legislation. Parents of special education students will be notified in writing if highly qualified staff is not available.

F. Special Education Compliance: The District is responsible, as the LEA, for the Charter School's compliance with all applicable Ventura County SELPA policies, and applicable State and Federal law. The Charter School shall maintain pupils' cumulative ("CUM") files, use appropriate forms/software, and file reports necessary to maintain legal compliance. The District shall inspect all Charter school pupils' cumulative ("CUM") and Special Education related files for legal compliance on a periodic basis, as mutually agreed.

G In recognition of its responsibilities under Education Code Section 47646, the District shall provide the Charter School all state and federal revenues that are generated by students attending the Charter School and distributed by the SELPA. The Charter School will be funded as a public school of the District and the Charter School's AB 602 base funding is calculated as follows:

The State portion of the AB 602 funding is allocated monthly to the SELPA and then passed through to the District. The District will reimburse the Charter up to the Charter's portion of the District's AB 602 funding as generated by students attending the Charter School based on invoices received indicating actual special education expenditures with detailed backup. The Federal portion is allocated by the state to the District in a reimbursement model. The District will reimburse the Charter up to the Charter's portion of the District's Federal Special Education funding as generated by students attending the Charter School based on invoices received indicating actual special education expenditures with detailed backup.

Reimbursements will be made by the District to the Charter School within five (5) business days after receipt of the invoice(s) and detailed backup.

The Charter School will be required to account for all state Special Education funding by using the 6500 resource and any federal IDEA funding by using the 3310 resource. All funding received by the Charter School designated for a particular fiscal year must be spent within the fiscal year.

Any special education funding received from the District by the Charter School that is not used for special education expenditures during the current fiscal year shall be returned to the District within seventy five days (75) of the end of the fiscal year.

H. Equitable Contribution to District: As part of its obligation to make an equitable contribution to the overall special education costs of District, Charter School shall do the following:

- (1) Charter School shall be responsible for payment of all special education costs of the Charter School, using funding received for such purposes to the extent such funding covers the costs;
- (2) To the extent the Charter School special education revenue is not expended for provision of special education services to Charter School pupils, such funds shall be refunded to District within seventy five (75) days of the end of the fiscal year and be applied to District special education costs;
- (3) Charter School shall also pay to District a proportional share of the encroachment

into District's general revenue caused by special education costs. The proportional share shall be determined by dividing District's special education encroachment in the last school year by the District and Charter School combined ADA, the result to be multiplied by the ADA of Charter School. Charter School's share of special education encroachment shall be paid with a check/warrant with a full reconciliation occurring within 75 days of the end of a fiscal year. The District special education encroachment shall be defined as the total of all special education costs in excess of funding received, including, but not limited to, all certificated and classified staff costs including administration, all materials, equipment, facilities upkeep and maintenance costs, all assessment costs whether internal or from outside sources, all non-public school costs and expenses, the cost of all payments in-lieu of compensatory education services, all judgments, awards and attorney's fees paid to claimants, if any, and all attorney's fees incurred by the District for special education matters, and all other costs related to provision of special education services, but not to include payments by District to Charter School for reimbursement of excess special education costs of the Charter School over funding received. Upon request by the Charter School, District shall provide documentation to support the District's calculation of encroachment.

(4) Should Charter School's costs of performing its obligations as noted, above, exceed the funding received, both state and federal, Charter School shall pay such costs and District shall reimburse Charter School proportionally for its share of the excess costs over funding received by Charter School within seventy five (75) days of the end of the fiscal year. The District's proportional contribution shall be determined in the same manner as Charter School's proportional contribution to District-wide special education costs, as described and defined in section 3 above and the proportional payments by Charter School toward the District's encroachment shall not be included in the computation;

(5) To the extent the special education funding status of District should change within the local SELPA due in any degree to the Charter School, or the status of District as LEA for special education for the Charter School, Charter School shall reimburse to District any lost funding or the cost of lost services and/or the like;

(6) To the extent District is required to provide any special education services to pupils, it shall be by written agreement only, and District shall be entitled to compensation for such services. District may deduct the cost of such services from the Charter School special education revenue, to the extent such revenue has not already been reimbursed to Charter School, and Charter School shall pay any additional District costs not paid out of the revenue;

(7) Charter School shall defend District from and against any and all claims of liability arising from acts or omissions related to the provision of special education services to students enrolled in Charter School for the time period in which the student was enrolled in the Charter School. This obligation shall include the legal defense of District, its officials, employees, and agents against special education due process hearing requests and/or complaints to state or federal agencies. This defense provision shall survive and be in effect following any termination of this Agreement.

- I. Charter School, in cooperation with District, shall document how all state and federal special education funds are used, and that such funds are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities.
- J. Charter School may, following approval by District, access SELPA funding for low incidence equipment and materials as appropriate or as specified on a student's IEP, following the existing guidelines developed within the SELPA. Charter School shall be responsible for inventory, maintenance, and training on the use of the equipment. The equipment shall remain the property of the SELPA.
- K. If the Charter School elects to pursue LEA status within a SELPA, the Charter School must give notice to the District by December 31 of the year prior to the year in which the status change will become effective.
- L. The term "enrolled" as used herein includes disputes related to the question of whether or not a pupil was enrolled, should have been enrolled, or was improperly dis-enrolled from the Charter School.

11. DATA REPORTING AND RECORDKEEPING

A. District Reports: The District agrees to file any reports specifically required by law to be filed with either the California Department of Education or any other state or federal agency by a local educational agency on behalf of the District and/or the Charter School. The Charter School shall promptly provide the District with any information, data, or documentation necessary for the District to timely file such reports in accordance with law. The Charter School shall be responsible for filing all other reports as may be required by law.

B. Charter School Attendance Reporting and Other Data

(1) "Average Daily Attendance" shall mean the attendance of Charter School pupils while engaged in educational activities required by Charter School, and making satisfactory progress, as defined under Education Code Section 47612, and in Title V, Section 11960, of the California Code of Regulations.

(2) The Charter School will develop and provide the District with a copy of its annual attendance reporting calendar and shall establish and maintain a system to record and account for average daily attendance.

(3) The Charter School will be responsible for its daily and monthly attendance accounting. The Charter School will submit the attendance reports, in accordance with the District format and State law and regulations, to the District's attendance officer in a timely manner.

(4) The Charter School shall complete and submit enrollment and other necessary demographic information, if necessary through the District, to the California Basic Education Data System (CBEDS).

C. Student/Teacher Ratio: Upon request, the Charter School shall provide the District with documentation of the student/teacher ratio for the Charter School. The charter school may elect to use the student to teacher ratio of the largest unified school district in the County, or a ratio of 25:1. Should the State Legislature or State Board of Education change this cap through legislation or regulation, the Charter School reserves the right to change its student to teacher ratio accordingly.

D. Standardized Testing and Reporting Program (Star) Testing: The Charter School shall annually notify the District in writing at least sixty (60) calendar days in advance of the date and location of STAR testing, and the total number of STAR tests to be administered. Under direction of the Charter School Director, the Charter School shall institute measures to ensure the security of all testing materials. The Charter School shall provide the District with individual pupil and school-wide STAR test results.

E. The Charter School shall comply and maintain appropriate records of compliance with all applicable workplace safety laws and regulations.

F. Pupil Records

(1) The Charter School shall maintain CUM files and immunization and other health records, for all pupils enrolled in the Charter School. Charter School shall make such files and records available to the District, and to any other public school district, upon enrollment of the pupil in that other district.

(2) The Charter School shall provide the District with a monthly enrollment report, including the names, addresses, districts of residence, and other directory information on all pupils enrolled in the Charter School.

(3) FERPA: The District hereby designates employees of the Charter School as having a legitimate educational interest such that they are entitled to access to education records under 20 U.S.C.A.1232g, the Family Educational Rights and Privacy Act and California Education Code 49076 (b)(6) (“FERPA”) as to District pupils who are enrolled in the Charter School. The Charter School hereby designates the employees of the District as having a legitimate educational interest such that they are entitled to access to education records under FERPA. The Charter School, its officers and employees shall comply with FERPA at all times.

G. All records that relate in any way to the operation of the Charter School are public records subject to the requirement of the Public Records Act (Government Code Section 6250 et seq.) unless excluded under law, as well as to Education Code Section 47604.3. Charter School shall comply with said requirements in connection with any requests for access to or copies of said records.

12. INSURANCE AND RISK MANAGEMENT

A. The Charter School will maintain, at its own expense, its own insurance policies for the operation of the Charter School. Additional insurance may also be obtained by the Charter School as necessary or required by law. The Charter School must provide the District certificates of insurance before commencing instruction to students, and upon change or renewal of insurance policies. Such insurance shall include public liability and property liability damage insurance to protect the Charter School and District, their trustees, officers, agents, servants, representatives and employees from all claims for personal injury and property damage arising from operations under the Charter School, in amounts as set forth as follows:

- (1) Public Liability: \$500,000 for each person and \$1,000,000 for each accident;
- (2) Property Damage: \$100,000 for each accident and \$500,000 aggregate.
- (3) Charter School Board Liability, Professional Liability, and EPL (Employment Practices Liability): a minimum of \$1,000,000.00.

B. Certificates and insurance policies shall include the following:

- (1) A clause stating: "This policy shall not be cancelled or reduced in required limits of liability or amounts of insurance until notice has been mailed to Mesa Union School District stating date of cancellation or reduction. Date of cancellation or reduction may not be less than thirty (30) calendar days after date of mailing notice."
- (2) Language stating in particular those insured, extent of insurance, locations and operations to which insurance applies, expiration date, to whom cancellation and reduction notice will be sent, and length of notice period.
- (3) A statement that the District and its trustees, officers, employees and agents are named as additional insureds under this policy described and that such insurance policy shall be primarily to any insurance or self-insurance maintained by the District.
- (4) Provisions waiving subrogation rights against District its officers, agents, servants, representatives and employees.

C. Each insurance company shall be an admitted insurer and rated "A" or better according to the current edition of Best's Key Rating Guide, published by A.M. Best Company, Oldwick, New Jersey, 08858.

13. BROWN ACT

The Charter School shall conduct its meetings of the Board of Directors and other legislative bodies according to the requirements of the Brown Act, which requires legislative bodies to conduct their business in pre-announced and agendized open session unless specific conditions exist that justify the meeting of a body in closed session.

14. CHARTER SCHOOL POLICIES AND PROCEDURES

Copies of all policies and procedures applicable to the Charter School shall be provided to the District promptly upon adoption, and on revision, by the Charter School. Such policies/procedures shall include but are not limited to:

- A. Student rules/regulations for suspension and expulsion, including as pertains to students qualifying for special education instruction or services;
- B. Admission requirements, if any, and procedures for random drawings;
- C. Staff rules/regulations, including expense reimbursements, conflicts of interest, incompatible activities, disciplinary, evaluation, hiring, promotion and termination;
- D. Membership process for applicable boards, advisory councils or committees;
- E. The decision-making process to be followed by the Charter School governing body and/or administration;
- F. Job descriptions for each position at the Charter School.

15. MISCELLANEOUS PROVISIONS

A. Entire Agreement: This Agreement and any attachments hereto shall constitute the full and complete agreement between the parties hereto. All prior representations, understandings and/or agreements are merged herein and are superseded by this Agreement.

B. Amendments: This agreement may be amended or modified, in whole or in part only by an agreement in writing developed in the same manner as this Agreement.

C. Severability: The terms of this charter contract are severable. In the event that any of the provisions are determined to be unenforceable or invalid for any reason, the remainder of the charter shall remain in effect, unless mutually agreed otherwise by the District's and Charter School's Board of Trustees or unless the terms that are unenforceable or invalid would warrant revocation of the charter. The District and Charter School agree to meet to discuss and resolve any issues or differences relating to provisions in a timely, good faith fashion. The Charter School shall propose amendments to the Charter, as necessary.

D. Notification: All notices, requests, and other communications under this agreement shall be in writing and mailed to the proper addresses as follows:

To the District at:
Mesa Union School District
Attn: Superintendent
3901 N. Mesa School Road
Somis, CA 93066

To the Charter School at:
Golden Valley Charter School
Attn: Ms. Terri Adams, Executive Director
3585 Maple St., Suite 101
Ventura, CA 93003

E. Conflicts: In the event of a conflict between a term of this Agreement with the Charter or with any rule, regulation or procedure of or applicable to the Charter School, in any

such event, federal and state law, the terms of this Agreement, the terms of the Charter, in that order of priority, shall control.

F. Nondiscrimination: The Charter School covenants and agrees that it shall not discriminate against any person or group thereof upon the basis of race, color, religion, sex, ancestry, physical and/or mental disability, marital status or national origin in the operation of the Charter School.

G. Survival: All representations, warranties and indemnities made herein shall survive closure of the Charter School and/or termination of this Agreement.

For Mesa Union School District and Golden Valley Charter School

IN WITNESS WHEREOF, the parties to this agreement have duly executed it on the day and year set forth below:

By: _____
Superintendent, Mesa Union School District Date

By: _____
Executive Director, Golden Valley Charter School Date



DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

- Original Declaration of Need for year: 2014-2015
 Revised Declaration of Need for year: _____

FOR SERVICE IN A SCHOOL DISTRICT

Name of District: Mesa Union School District District CDS Code: 5672470
 Name of County: _____ County CDS Code: _____

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on 04 /22 /14 certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

► **Enclose a copy of the board agenda item**

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, 2015.

Submitted by (Superintendent, Board Secretary, or Designee):

<u>Dr. Michael Babb</u>		<u>Superintendent</u>
<small>Name</small>	<small>Signature</small>	<small>Title</small>
<u>805-485-4387</u>	<u>805-485-1511</u>	<u>4/22/14</u>
<small>Fax Number</small>	<small>Telephone Number</small>	<small>Date</small>
<u>3901 North Mesa School Road. Somis, Ca 93066</u>		
<small>Mailing Address</small>		
<u>mbabb@mesaschool.org</u>		
<small>Email Address</small>		

FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL OR AGENCY

Name of County _____ County CDS Code _____

Name of State Agency _____

Name of NPS/NPA _____ County of Location _____

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on ____ / ____ / ____, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, _____.

► **Enclose a copy of the public announcement**

Submitted by Superintendent, Director, or Designee:

Name	Signature	Title
Fax Number	Telephone Number	Date
Mailing Address		
EMail Address		

► This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit	Estimated Number Needed
<input checked="" type="checkbox"/> CLAD/English Learner Authorization (applicant already holds teaching credential)	1
<input checked="" type="checkbox"/> Bilingual Authorization (applicant already holds teaching credential)	1
List target language(s) for bilingual authorization: Spanish	
<input checked="" type="checkbox"/> Resource Specialist	1
<input type="checkbox"/> Teacher Librarian Services	
<input type="checkbox"/> Visiting Faculty Permit	

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	1
Single Subject	1
Special Education	1
TOTAL	3

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved intern program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? Yes No

If no, explain. _____

Does your agency participate in a Commission-approved college or university intern program? Yes No

If yes, how many interns do you expect to have this year? _____

If yes, list each college or university with which you participate in an intern program.

Old Dominion University, Cal State Channel Islands, University of Southern California

If no, explain why you do not participate in an intern program.

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

DISTRICT/CHARTER Mesa Union School District

Person completing this form: Erica Magdaleno Title: Executive Assistant

Quarterly Report Submission Date: April 2014 (January 1 through March 31)
 (check one) July 20____ (April 1 through June 30)
 October 20____ (July 1 through September 30)
 January 20____ (October 1 through December 31)

Date for information to be reported publicly at governing board meeting: _____

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
TOTALS	0		



 Signature of District Superintendent

April 22, 2014

 Date

CSBA Sample

Board Policy

Charter School Revocation

BP 0420.43

Philosophy, Goals, Objectives and Comprehensive Plans

Note: The following policy is optional. Education Code 47607 and 5 CCR 11968.5.2-11968.5.3 authorize the Governing Board to revoke the charter of a charter school in its jurisdiction when certain substantiated findings are made. In Today's Fresh Start, Inc. v. Los Angeles County Office of Education, the California Supreme Court confirmed that the revocation process prescribed in the Education Code provides a charter school with sufficient due process and that a charter school is not entitled to any additional evidentiary hearing by a neutral third party.

Note: In addition, Education Code 47604.5 authorizes the State Board of Education (SBE), upon the recommendation of the Superintendent of Public Instruction (SPI), to revoke the charter of any charter school, whether or not the SBE is the chartering authority, if it makes certain findings relating to gross financial mismanagement, illegal or improper use of funds, substantial and sustained departure from measurably successful practices that may jeopardize the educational development of students, or, as amended by AB 97 (Ch. 47, Statutes of 2013), failure to improve student outcomes across multiple state and school priorities identified in the charter pursuant to Education Code 47605 or 47605.6. SBE revocation procedures are specified in 5 CCR 11968.5-11968.5.1.

The Governing Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.42 - Charter School Renewal)

(cf. 0500 - Accountability)

The Board may revoke a charter before the date it is due to expire whenever the Board makes a written factual finding, supported by substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal

mismanagement

4. Violated any provision of law

Note: Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), provides additional criteria for considering revocation of a charter as described below. Pursuant to Education Code 47607.3, if, in three out of four consecutive years, a charter school fails to improve outcomes for three or more numerically significant student subgroups served by the school, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, then the district (1) must provide technical assistance to the school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5, or (2) may request that the SPI assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance to the school; see BP 0420.41 - Charter School Oversight. If the CCEE informs the Board that the school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter.

The Board shall also consider revocation of a charter whenever the California Collaborative for Educational Excellence (CCEE), after providing advice and assistance to the charter school pursuant to Education Code 47607.3, submits to the Board either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of the CCEE
2. That the inadequate performance of the charter school, as based on an evaluation rubric adopted by the State Board of Education (SBE), is so persistent or acute as to require revocation of the charter

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607, 47607.3)

At least 72 hours prior to any Board meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

(cf. 9320 - Meetings and Notices)

If the Board takes action to issue a Notice of Violation, it shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s).

2. All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.

3. The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

Within 60 calendar days of the conclusion of the remedy period, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body

Note: Pursuant to Education Code 47607 and 5 CCR 11968.5.2, a decision to issue a Notice of Intent to Revoke as provided in item #2 below must be supported by substantial evidence that the charter school has failed to remedy or refute a violation. "Substantial evidence" is not defined in law or state regulations. The district should consult legal counsel as necessary.

2. If there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body

If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to the California Department of Education (CDE) and the County Board of Education. (Education Code 47604.32; 5 CCR 11968.5.2)

Note: Pursuant to Education Code 47604.32, if a charter school ceases operation for any reason, including revocation, the district must notify the California Department of Education; see BP 0420.41 - Charter School Oversight. In addition, the district and/or charter school must implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962; see AR 0420.4 - Charter School Authorization.

Severe and Imminent Threat

The procedures specified above shall not be applicable when the Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body, the County Board, and the CDE. (Education Code 47607; 5 CCR 11968.5.3)

Appeals

Note: Pursuant to Education Code 47607 and 5 CCR 11968.5.3-11968.5.5, within 30 days of the Board's final decision to revoke a charter, the charter school may appeal the revocation, including a revocation based on a severe and imminent threat, to the County Board of Education. The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to the SBE. If the County Board upholds the revocation or does not issue a decision within 90 days of its receipt of the appeal, the charter school may appeal to the SBE. Pursuant to Education Code 47607, if either the County Board or the SBE reverses the revocation, the district remains the chartering authority.

Note: Education Code 47607 further provides that, while an appeal is pending, a charter school whose revocation is based on a material violation of any of the conditions, standards, or procedures set forth in its charter or on a failure to meet or pursue any of the student outcomes identified in the charter will continue to qualify as a charter school for funding and all other purposes of the Charter Schools Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

Note: As added by AB 97 (Ch. 47, Statutes of 2013), Education Code 47607.3 provides that a charter school may not appeal a revocation made pursuant to Education Code 47607.3 based on findings of the CCEE that the school failed or is unable to implement the CCEE's recommendations or that revocation is warranted based on persistent or acute inadequate performance.

If the Board revokes a charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. Either the charter school or the district may subsequently appeal the County Board's decision to the SBE. However, a revocation based upon the findings of the CCEE pursuant to Education Code 47607.3 may not be appealed.

(Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992, especially:

47607 Charter renewals and revocations

52052 Numerically significant student subgroups; definition

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools, especially:

11968.5-11968.5.5 Charter revocations

COURT DECISIONS

Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2012

WEB SITES

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

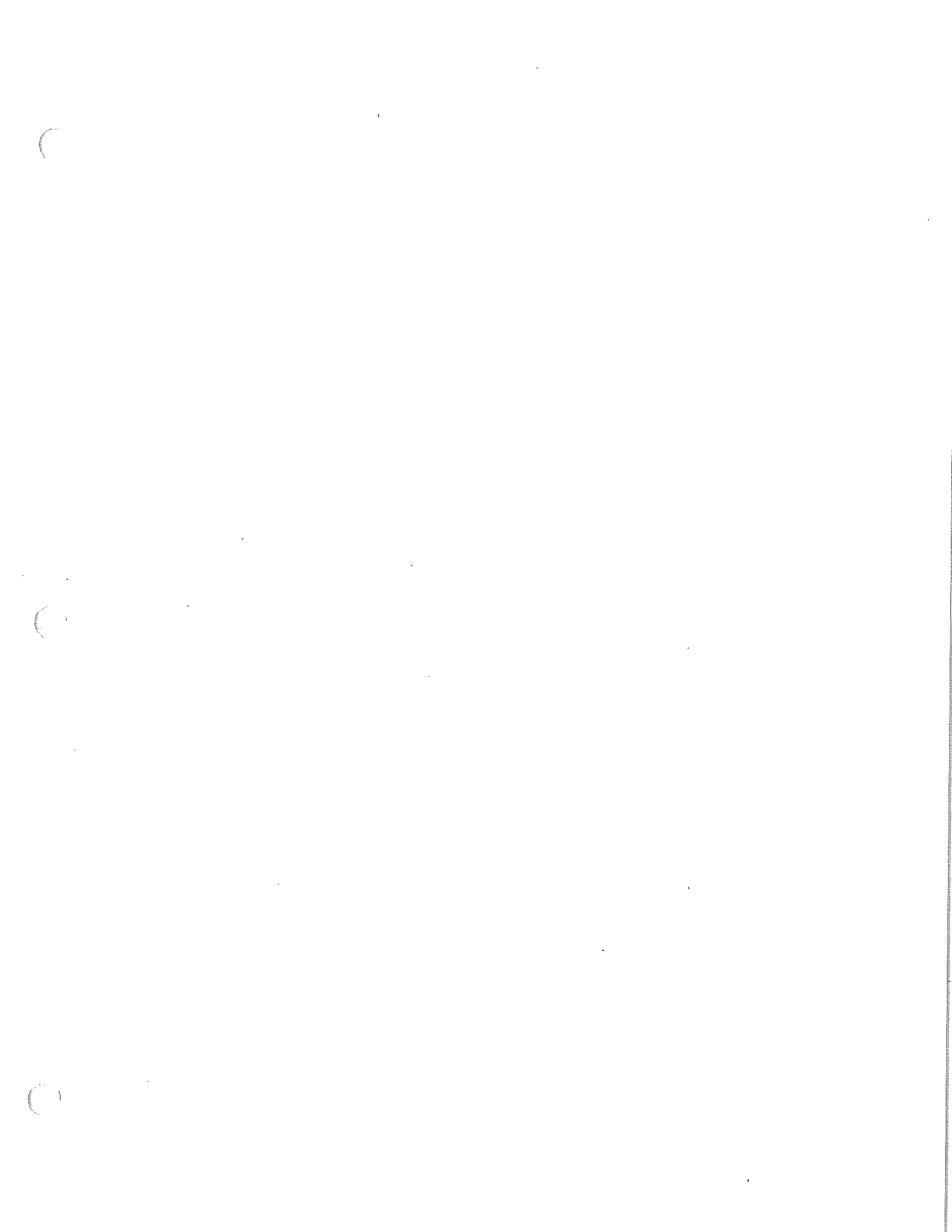
California Charter Schools Association: <http://www.calcharters.org>

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

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

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

(3/12 11/12) 12/13



CSBA Sample

Board Policy

Administrative Discretion Regarding Board Policy

BP 2210

Administration

Note: The following optional policy may be revised to reflect district practice. Education Code 42605, which granted districts flexibility to use funds received for "Tier 3" categorical programs for any "education purpose," has been repealed by AB 97 (Ch. 47, Statutes of 2013). Pursuant to AB 97, funding for many of the categorical programs affected has been redirected into the new local control funding formula (LCFF) and districts must instead develop a local control and accountability plan (LCAP) that identifies the goals and specific actions the district will take to improve the achievement of all students. For more information about LCFF and its impact on district policies, see CSBA's policy brief Impact of Local Control Funding Formula on Board Policies. For specific requirements related to the LCAP, see BP/AR 0460 - Local Control and Accountability Plan.

The Governing Board desires to be proactive in communicating its philosophy, priorities, and expectations for the district; clarifying the roles and responsibilities of the Board, Superintendent, and other senior administrators; and setting direction for the district through written policies. However, the Board recognizes that, in the course of operating district schools or implementing district programs, situations may arise which may not be addressed in written policies.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 9000 - Role of the Board)
(cf. 9310 - Board Policies)

In any situation in which immediate action is needed to avoid any risk to the safety or security of district students, staff, or property or disruption to student learning, the Superintendent or designee shall have the authority to act on behalf of the district.

As necessary, the Superintendent or designee shall consult with other district staff, including the legal counsel and/or the chief business official, regarding the exercise of this authority.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516.5 - Emergency Schedules)

The Superintendent or designee shall notify the Board as soon as practicable after he/she

exercises this authority. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

Legal Reference:

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules
35035 Powers and duties of superintendent
35160 Authority of governing boards
35161 Powers and duties; authority to delegate
35163 Official actions, minutes and journal

Management Resources:

CSBA PUBLICATIONS

Impact of Local Control Funding Formula on Board Policies, Policy Brief, November 2013

WEB SITES

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

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

(11/09 7/11) 12/13

CSBA Sample

Board Policy

Food Service Operations/Cafeteria Fund

BP 3551

Business and Noninstructional Operations

Note: The following optional policy may be revised to reflect district practice. Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program (42 USC 1751-1769j, 1773) must maintain a nonprofit school food service program. Revenues received through the program may be used only for the operation or improvement of the food service program, except that such revenues must not be used to purchase land or buildings or construct buildings unless otherwise approved. Authorized expenditures are defined in the California Department of Education's (CDE) California School Accounting Manual.

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

(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311 - Bids)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 5030 - Student Wellness)

The Superintendent or designee shall ensure that all food service personnel possess appropriate qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program.

(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

***Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Pursuant to 42 USC 1776, such districts must ensure that food service personnel who conduct or oversee administrative procedures and other appropriate personnel receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other

appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see the CDE's web site. ***

***Note: In addition, on a date to be determined by the U.S. Secretary pursuant to 42 USC 1776, food service directors will be required to meet minimum requirements related to education, training, and certification. ***

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

Meal Sales

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

***Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias, or other costs determined by Governing Board resolution, pursuant to Education Code 38100). ***

***Note: Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. In setting prices for students who are not eligible for the free and reduced-price meal program, 42 USC 1760 requires schools to charge those students a price that is, on average, equal to the difference between free meal reimbursement and paid meal reimbursement. Schools that charge less than the average are required to gradually increase their prices over time until they meet the requirement or may cover the difference with nonfederal funds. 42 USC 1760 provides that the price shall generally not increase more than 10 cents each year, but allows districts to establish a higher increase at their discretion. ***

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

***Note: The following paragraph is optional. Pursuant to Education Code 38082, the Board may, by formal resolution, authorize the serving of meals to persons other than those listed above. In Management Bulletin No. 00-111, the CDE states that the Board's policy or resolution must specify the circumstances under which those other persons will be served and indicates that using funds from the National School Lunch or Breakfast Program to serve any nonstudent would be contrary to program goals. ***

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

Cafeteria Fund

Note: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

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

Note: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

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

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

Note: The following optional paragraph may be revised to reflect district practice. 2 CFR 225 and U.S. Department of Agriculture (USDA) guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

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

(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

***Note: The following section is optional. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC

1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.***

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

(cf. 3312 - Contracts)
(cf. 3600 - Consultants)

Program Monitoring and Evaluation

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

Note: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. Each district is reviewed at least once every three years. USDA correspondence dated August 30, 2013, provides a list of documents that may be requested by the CDE for the review.

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

(cf. 3555 - Nutrition Program Compliance)

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, establishment and use
38090-38095 Cafeterias, funds and accounts
38100-38103 Cafeterias, allocation of charges
42646 Alternate payroll procedure
45103.5 Contracts for management consulting services; restrictions
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49554 Contract for services

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code
CODE OF REGULATIONS, TITLE 5
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 42
1751-1769j School lunch programs
1771-1791 Child nutrition, including:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 2
225 Cost Principles for State, Local, and Indian Tribal Governments
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

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

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

Storage and Inventory Management of United States Department of Agriculture (USDA)

Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, Management Bulletin

USDA-SNP-01-2008, February 2008

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

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Financial Management of the School Meal Programs, Correspondence, August 30, 2013

Indirect Costs: Guidance for State Agencies and School Food Authorities, 2011

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

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

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

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

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



CSBA Sample

Administrative Regulation

Food Service Operations/Cafeteria Fund

AR 3551

Business and Noninstructional Operations

Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Management Bulletin USDA-SNP-01-2008 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day. However, payment and pricing policies for full-price meals are at the discretion of the district and may include decisions on whether or not to extend credit or provide an alternate meal to students in the event of nonpayment.

Note: The following optional section includes recommendations of the CDE's Management Bulletin and the U.S. Department of Agriculture's (USDA) "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

(cf. 1113 - District and School Web Sites)

Students and their parents/guardians shall be notified whenever their account has a zero balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact

parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

Note: The following optional paragraph may be revised to reflect district practice. According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved; (2) issues at least one advance warning to the student or his/her parent/guardian prior to refusing to issue a replacement ticket; and (3) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports his/her tickets as lost or stolen. However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, shall not require a student to pay a bill that appears to be the result of identity theft, and shall open a new account with a new account number for a student who appears to be the subject of identity theft.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

Reimbursement Claims

Note: To streamline administration of state and federal meal programs, the CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Cafeteria Fund

Note: Education Code 38091 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

Note: Education Code 38100-38103 specify allowable expenditures from the cafeteria fund. AB 86 (Ch. 48, Statutes of 2013) repealed Education Code 38102, which had authorized the establishment of a cafeteria equipment reserve fund to be used for the purchase, lease, maintenance, or replacement of cafeteria equipment.

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 225, and the California School Accounting Manual. (Education Code 38091, 38101; 2 CFR 225)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

Note: The following optional paragraph may be revised to reflect district practice. 2 CFR 225 and USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Note: Pursuant to 2 CFR 210.2 and 210.14, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. The spending plan developed by the district under such circumstances must be approved by the CDE.

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (2 CFR 210.14)

U.S. Department of Agriculture Foods

Note: The following optional section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. The CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, the USDA must ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.60)

Contracts with Outside Services

Note: The following optional section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts in the district; see the accompanying Board policy.

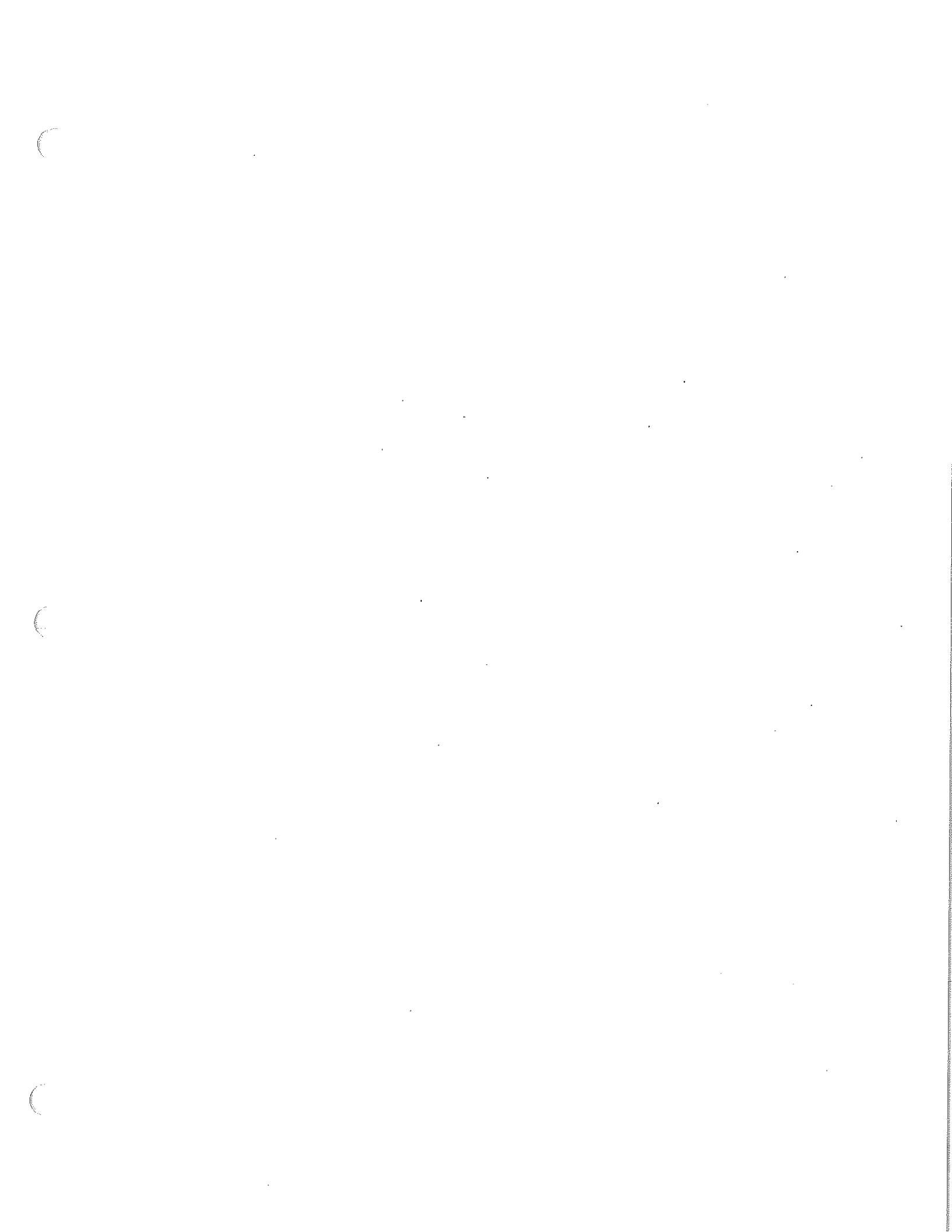
The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

- (cf. 3312 - Contracts)
- (cf. 3515.6 - Criminal Background Checks for Contractors)
- (cf. 3600 - Consultants)
- (cf. 4112.4/4212.4/4312.4 - Health Examinations)
- (cf. 4212 - Appointments and Conditions of Employment)

(11/07 3/11) 12/13



CSBA Sample

Administrative Regulation

Other Food Sales

AR 3554

Business and Noninstructional Operations

Requirements for Schools Not Participating in Federal Meal Program

Note: The following section is for use by districts that have one or more schools that do not participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Requirements for other schools are described below in the section "Requirements for Schools Participating in Federal Meal Program."

Note: Food sales outside the district's food service program that occur on school premises during the school day are subject to the nutrition standards specified in Education Code 49431-49431.7, as amended by AB 626 (Ch. 706, Statutes of 2013). These include nutrition standards for foods in elementary schools (Education Code 49431) and middle and high schools (Education Code 49431.2) and for beverages in all schools (Education Code 49431.5), as well as a prohibition against the sale of foods containing artificial trans fat at any grade level (Education Code 49431.7). See AR 3550 - Food Service/Child Nutrition Program for further information regarding nutrition standards.

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578.

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

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: Pursuant to Education Code 49431-49431.5, foods and beverages that do not comply with state nutrition standards may be sold outside of the district's food services program under certain conditions. As amended by AB 626 (Ch. 706, Statutes of 2013), Education Code 49431-49431.5 provide that the same requirements apply to sales of both foods and beverages and to all grade levels. AB 626 also amended Education Code 49431 and 49431.5 to eliminate the requirement that sales of noncompliant foods and beverages in elementary schools only be allowed if the items are sold by students of the school.

The sale of foods or beverages that do not comply with the standards in Education Code 49431-49431.5 may be permitted in either of the following circumstances: (Education Code 49431-49431.5)

1. The sale takes place off and away from school premises.

2. The sale takes place on school premises at least one-half hour after the end of the school day.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)
(cf. 6145 - Extracurricular and Cocurricular Activities)

Requirements for Schools Participating in Federal Meal Program

Note: The following section is for use by districts that have one or more schools participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). 7 CFR 210.11 and 220.12 mandate that such districts adopt rules and regulations to ensure compliance with federal requirements for competitive foods.

Note: Pursuant to 42 USC 1779, the U.S. Secretary of Agriculture has established nutrition standards which are consistent with the most recent Dietary Guidelines for Americans and apply to all foods sold outside the school meal programs on school campuses at any time during the school day. These standards are contained in 7 CFR 210.11 and 220.12, as amended by 78 Fed. Reg. 125, and must be implemented by July 1, 2014.

Note: Note that, in some instances, state nutrition standards (Education Code 49431-49431.7) may be stricter than federal standards. In such cases, the stricter standard prevails. In addition, although 7 CFR 210.11 and 220.12 allow states to adopt criteria for special exemptions from nutrition standard compliance for infrequent school-sponsored fundraisers, the California Department of Education (CDE) provides no exemption. Thus, all infrequent school-sponsored fundraisers are subject to the same rules as other outside food sales.

For any district school participating in the National School Lunch and/or Breakfast Program, food and beverage sales conducted outside the district's food service program on school campuses during the school day shall comply with applicable nutritional standards specified in 7 CFR 210.11 and 220.12 or with state nutrition standards in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578, whichever rule is stricter.

Note: As amended by 78 Fed. Reg. 125, 7 CFR 210.11 adds the following definition of "school day" for purposes of the regulations governing competitive food and beverage sales.

These standards shall apply to all competitive foods and beverages sold from midnight before the school day to one-half hour after the end of the school day. (7 CFR 210.11)

Note: The remainder of this section reflects 5 CCR 15500-15501 pertaining to sales by student organizations in schools that participate in a federal meal program, but delegates to the Superintendent or designee the responsibility for approval of the specific food item to be sold; see the accompanying Board policy.

***Note: To the extent that any Title 5 requirement conflicts with the nutrition standards

specified in Education Code 49431-49431.7 or federal law, the stricter standard prevails. Thus, although 5 CCR 15500 provides that a student organization may only sell a dessert-type item, such as a pastry, ice cream, or fruit, stricter state and federal nutrition standards supersede and so this provision is not reflected in the list below. ***

Note: Items #1-6 below are for use by districts that maintain any of grades K-8.

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization sells only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee in accordance with Board policy.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is not one sold in the district's food service program at that school during that school day.

Note: Items #1-4 below are for use by districts that maintain middle schools or high schools.

In any middle or high school, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
2. The specific nutritious food items are approved by the Superintendent or designee in accordance with Board policy.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

***Note: 7 CFR 210.11, as amended by 78 Fed. Reg. 125, requires the district to maintain

specified records.***

The Superintendent or designee shall maintain records, or shall require organizations selling foods and beverages to maintain records, to document compliance with federal nutrition standards for all competitive foods and beverages sold through and outside the district's food services program. At a minimum, these records shall include receipts, nutrition labels, and/or product specifications. (7 CFR 210.11)

(11/05 11/07) 12/13

CSBA Sample

Board Policy

Recruitment And Selection

BP 4111 4211,4311

Personnel

***Note: The following optional policy may be revised to reflect district practice and any related provisions of collective bargaining agreements. ***

***Note: The Governing Board should ensure that district hiring procedures are designed to minimize the possibility of hiring unsuitable or undesirable individuals to avoid liability for negligent hiring. In C.A. v. William S. Hart Union High School District, the California Supreme Court held that defendant district could be vicariously liable for negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student. ***

The Governing Board is committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficiency of district operations.

(cf. 0100 - Goals for the School District)
(cf. 4000 - Concepts and Roles)
(cf. 4100 - Certificated Personnel)
(cf. 4200 - Classified Personnel)
(cf. 4300 - Administrative and Supervisory Personnel)

The Superintendent or designee shall develop fair, open, and transparent recruitment and selection processes and procedures which ensure that individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she also shall disseminate job announcements to ensure a wide range of candidates.

***Note: The following optional paragraph should be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant

(Education Code 41530-41533), which allowed funding to be used for purposes of the Teaching as a Priority block grant including incentives to recruit or retain credentialed teachers in schools ranked in the bottom half of the Academic Performance Index, into the local control funding formula. At their discretion, districts may continue to offer incentives (e.g., signing bonuses, improved work conditions, additional compensation, housing subsidies) to recruit teachers, administrators, or other employees in accordance with district needs. ***

With Board approval, the Superintendent or designee may provide incentives to recruit teachers, administrators, or other employees to work in low-performing schools or in hard-to-fill positions.

(cf. 4113 - Assignment)

The district's selection procedures shall include screening processes, interviews, observations, and recommendations from previous employers as necessary to identify the best possible candidate for a position. The Superintendent or designee may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

(cf. 2230 - Representative and Deliberative Groups)

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

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

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

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

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

41530-41533 Professional Development Block Grant

44066 Limitations on certification requirement

44259 Teaching credential; exception; designated subjects; minimum requirements
44735 Teaching as a Priority block grant
44740-44741 Personnel management assistance teams
44750 Teacher recruitment resource center
44830-44831 Employment of certificated persons
44858 Age or marital status in certificated positions
44859 Prohibition against certain rules and regulations re: residency
45103-45139 Employment (classified employees)
49406 Examination for tuberculosis

GOVERNMENT CODE

815.2 Liability of public entities and public employees
12900-12996 Fair Employment and Housing Act, including:
12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens
1324b Unfair immigration related practices

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

Management Resources:

WEB SITES

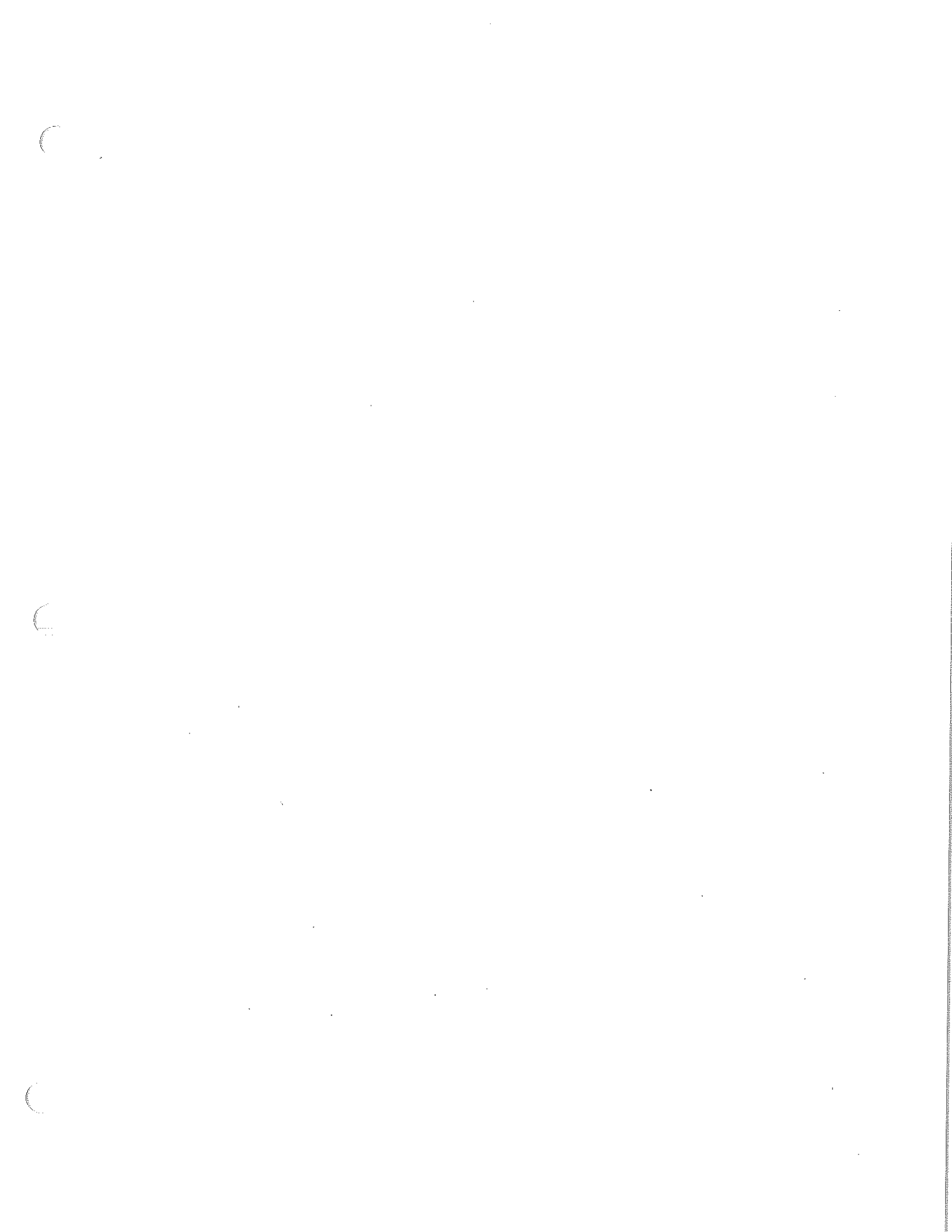
California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Education Job Opportunities Information Network: <http://www.edjoin.org>

Teach USA: <http://www.calteach.org>

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

(7/03 7/12) 12/13



CSBA Sample

Board Policy

Staff Development

BP 4131

Personnel

***Note: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. However, the Public Employment Relations Board (PERB) has found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment. (United Faculty of Contra Costa Community College District v. Contra Costa Community College District) Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of agreement, may be determined by PERB on a case-by-case basis. ***

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

(cf. 6111 - School Calendar)

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

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, the local control and accountability plan, and other district and school plans.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 0520.4 - Quality Education Investment Schools)

***Note: Pursuant to Education Code 99242, the Math and Reading Professional Development program self-repealed on January 1, 2013. In addition, AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41533) into the local control funding formula. At their discretion, districts may design professional development opportunities to meet the purposes of these programs or other local needs. Items #1-11 below are optional. ***

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and district academic standards

(cf. 6011 - Academic Standards)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.5 - Environmental Education)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction

(cf. 0440 - District Technology Plan)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6141.5 - Advanced Placement)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

(cf. 6178 - Career Technical Education)

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

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

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, tolerance, and discipline, including conflict resolution and hatred prevention

(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)

10. Knowledge of topics related to student health, safety, and welfare

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.5 - Sex Offender Notification)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

11. Knowledge of topics related to employee health, safety, and security

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

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

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

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

(cf. 4158/4258/4358 - Employee Security)

***Note: The following optional paragraph may be revised to reflect district practice. Education Code 44277 encourages districts to establish professional growth programs that give individual teachers a wide range of options and significant roles in determining the course of their professional growth. Districts may assist teachers with preliminary credentials to meet the qualifications required for a professional clear credential, and are required to provide staff development and support to teachers participating in internship programs (Education Code 44325-44328, 44450-44468, and 44830.3). In addition, 20 USC 6319 requires that the Title I local educational agency plan include professional development designed to enable teachers of core academic subjects to meet the requirements of the No Child Left Behind Act for "highly qualified" teachers; see BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. ***

The Superintendent or designee may, in conjunction with individual teachers and interns, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4131.1 - Beginning Teacher Support/Induction)

(cf. 4138 - Mentor Teachers)

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

(cf. 4115 - Evaluation/Supervision)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development

program supports the district's priorities for student achievement.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

41530-41533 Professional Development Block Grant
44032 Travel expense payment
44259.5 Standards for teacher preparation
44277 Professional growth programs for individual teachers
44325-44328 District interns
44450-44468 University internship program
44570-44578 Inservice training, secondary education
44580-44591 Inservice training, elementary teachers
44630-44643 Professional Development and Program Improvement Act of 1968
44700-44705 Classroom teacher instructional improvement program
45028 Salary schedule and exceptions
48980 Notification of parents/guardians: schedule of minimum days
56240-56245 Staff development; service to persons with disabilities
99200-99206 Subject matter projects

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

13025-13044 Professional development and program improvement

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, Training and Recruiting High Quality Teachers and Principals

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

Management Resources:

CSBA PUBLICATIONS

Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

State Board of Education Guidelines and Criteria for Approval of Training Providers, March 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

WEB SITES

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

California Department of Education, Professional Development: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csm.p.ucop.edu>

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

(11/06 11/08) 12/13

CSBA Sample

Board Policy

Staff Development

BP 4231

Personnel

***Note: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. However, the Public Employment Relations Board (PERB) has found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment. (United Faculty of Contra Costa Community College District v. Contra Costa Community College District) Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of agreement, may be determined by PERB on a case-by-case basis. ***

***Note: Pursuant to Education Code 45391, as added by SB 590 (Ch. 723, Statutes of 2013), a district that expends funds for professional development for any school site staff must consider the needs of its classified school employees to update their skills and learn best practices. ***

***Note: Pursuant to Education Code 45387, the Governing Board may authorize a permanent classified employee to attend job-related inservice training with pay during working hours for one or more school days each year. ***

The Governing Board recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

(cf. 4200 - Classified Personnel)

(cf. 4261.3 - Professional Leaves)

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

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she

shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)
- (cf. 0420 - School Plans/Site Councils)
- (cf. 0420.1 - School-Based Program Coordination)
- (cf. 0460 - Local Control and Accountability Plan)
- (cf. 0520.2 - Title I Program Improvement Schools)
- (cf. 0520.3 - Title I Program Improvement Districts)

***Note: Items #1-10 below reflect optional topics for professional development of classified staff specified in Education Code 45391, as added by SB 590 (Ch. 723, Statutes of 2013), and may be revised to reflect district practice. ***

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics:
(Education Code 45391)

1. Student learning and achievement
 - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
 - b. Alignment of curriculum and instructional materials with Common Core State Standards
 - c. The management and use of state and local student data to improve student learning
 - d. Best practices in appropriate interventions and assistance to at-risk students

- (cf. 4222 - Teacher Aides/Paraprofessionals)
- (cf. 5121 - Grades/Evaluation of Student Achievement)
- (cf. 5123 - Promotion/Acceleration/Retention)
- (cf. 5149 - At-Risk Students)
- (cf. 6011 - Academic Standards)
- (cf. 6141 - Curriculum Development and Evaluation)
- (cf. 6143 - Courses of Study)
- (cf. 6161.1 - Selection and Evaluation of Instructional Materials)
- (cf. 6162.5 - Student Assessment)
- (cf. 6162.51 - State Academic Achievement Tests)

2. Student and campus safety

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515.3 - District Police/Security Department)

- (cf. 3515.5 - Sex Offender Notification)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)
- (cf. 4157/4257/4357 - Employee Safety)
- (cf. 4158/4258/4358 - Employee Security)
- (cf. 5131 - Conduct)
- (cf. 5131.2 - Bullying)
- (cf. 5137 - Positive School Climate)
- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 5145.9 - Hate-Motivated Behavior)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)

3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance

- (cf. 0440 - District Technology Plan)
- (cf. 1114 - District-Sponsored Social Media)
- (cf. 4040 - Employee Use of Technology)
- (cf. 6163.4 - Student Use of Technology)

4. School facility maintenance and operations, including new research and best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites

- (cf. 3510 - Green School Operations)
- (cf. 3511- Energy and Water Management)

5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates

- (cf. 6159 - Individualized Education Program)
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

6. School transportation and bus safety

- (cf. 3540 - Transportation)
- (cf. 3541- Transportation for School-Related Trips)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 3542 - Bus Drivers)
- (cf. 3543 - Transportation Safety and Emergencies)

7. Parent involvement, including ways to increase parent involvement at school sites

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

8. Food service, including new research on food preparation to provide nutritional meals and food management

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3555 - Nutrition Program Compliance)

9. Health, counseling, and nursing services

(cf. 5141 - Health Care and Emergencies)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5141.3 - Health Examinations)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)

10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 6161.3 - Toxic Art Supplies)

***Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41533) into the local control funding formula. The following optional paragraph is for use by districts that choose to continue to offer a professional development program designed to meet the purposes of this program. ***

For classroom instructional aides, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students.

(cf. 4131 - Staff Development)

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

(cf. 4215 - Evaluation/Supervision)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

41530-41533 Professional Development Block Grant

44032 Travel expense payment

45380-45387 Retraining and study leave (classified employees)

45390-45392 Professional development for classified school employees

52060-52077 Local control and accountability plan

56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

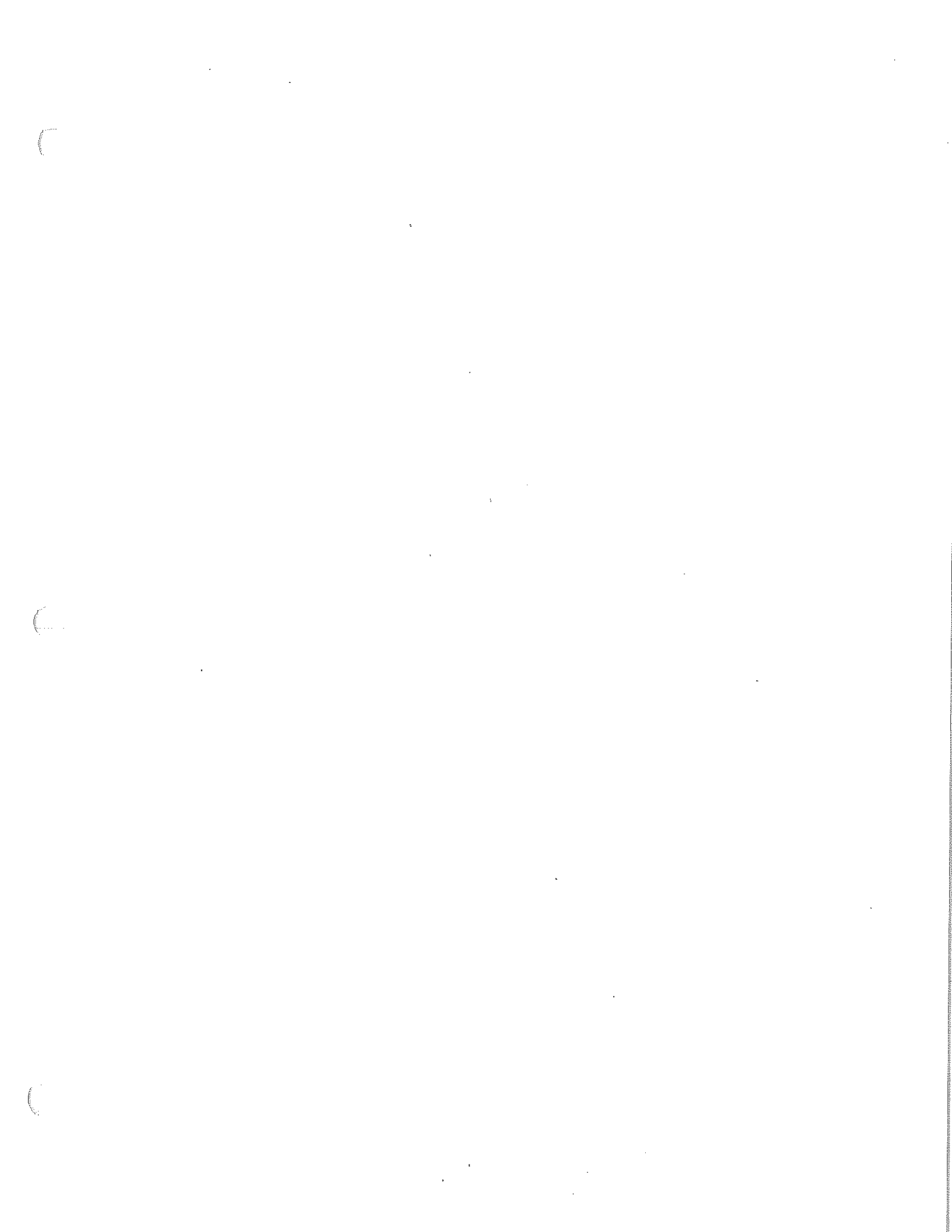
Management Resources:

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

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

(10/98 7/05) 12/13



CSBA Sample

Board Policy

Staff Development

BP 4331

Personnel

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

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

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

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 0520.4 - Quality Education Investment Schools)

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

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

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

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

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4113 - Assignment)

2. Effective fiscal management and accountability practices

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

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

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

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

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

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

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

(cf. 0440 - District Technology Plan)

7. Creation of safe and inclusive school environments

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

(cf. 5137 - Positive School Climate)

8. Parental involvement and community collaboration

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

9. Employee relations

10. Effective school and district planning processes

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

(cf. 4315 - Evaluation/Supervision)

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

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44681-44689.2 Administrator training and evaluation

52060-52077 Local control and accountability plan

Management Resources:

WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS
PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

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

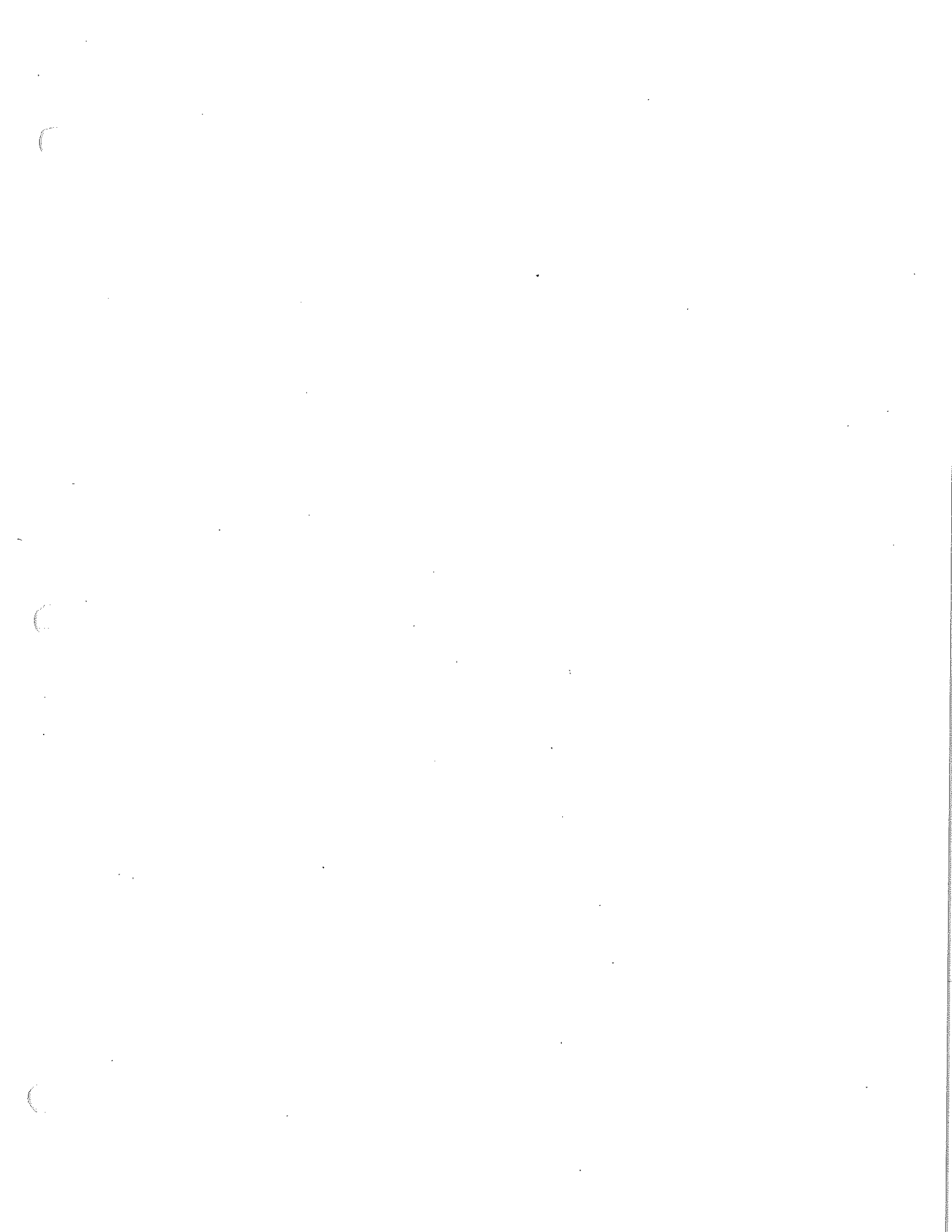
California Department of Education: <http://www.cde.ca.gov>

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

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

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

(10/98 11/01) 12/13



CSBA Sample

Board Policy

Promotion/Acceleration/Retention

BP 5123
Students

***Note: Education Code 48070 and 48070.5 mandate that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions. ***

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

***Note: Education Code 48070.5 mandates that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly. ***

***Note: Education Code 48070.5 further mandates that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable. ***

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5

***Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9). ***

- grades 5 and 6*
4. Between ~~the end of the intermediate grades and the beginning of the middle school grades~~ *grades 8 and 9*
 5. Between ~~the end of the middle school grades and the beginning of the high school grades~~

***Note: Education Code 48070.5 mandates that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation. ***

***Note: Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regards to special education students, the determination as to the appropriate standards for promotion or retention should be made as part of the IEP process; see BP/AR 6159 - Individualized Education Program. ***

***Note: Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below. ***

~~OPTION 1:~~ Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5149 - At-Risk Students)

1. *formative assessments*
2. *benchmark assessments*
3. *other teacher-designed indicators*

***Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), beginning in the 2013-14 school year, the state assessment system will transition from the Standardized Testing and Reporting (STAR) program to the California Assessment of Student Performance and Progress; see BP/AR 6162.51 - State Academic Achievement Tests.

Thus, districts selecting Option 2 below should determine the availability and appropriateness of state assessments for the purpose of identifying students who should be retained and who are at risk of being retained. ***

***Note: The California Department of Education's FAQs Pupil Promotion and Retention states that STAR results may not be the exclusive criterion for promotion or retention since the test has not been certified for that purpose; thus, other indicators must also be used. These other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below. ***

OPTION 2: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by the results of state assessments administered pursuant to Education Code 60640-60649 and the following additional indicators of academic achievement:

(cf. 5149 - At-Risk Students)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

Note: The remainder of this policy is for use by all districts.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

***Note: Education Code 48070.5 mandates that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects). ***

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

***Note: Education Code 48070.5 mandates that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation. ***

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

***Note: Education Code 48070.5 requires that the Board adopt policy indicating the manner in

which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language fulfilling this mandate. However, funding for supplemental instructional categorical programs for students in grades 2-9 who have been retained or recommended for retention (Education Code 37252.2) and for students in grades 2-6 who have been identified as being at risk of retention (Education Code 37252.8) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the district may design supplemental instructional programs for these purposes in a manner that meets district and student needs. ***

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education plan

60640-60649 California Assessment of Student Performance and Progress

60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

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

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

CSBA Sample

Administrative Regulation

Promotion/Acceleration/Retention

AR 5123
Students

Acceleration from Kindergarten to First Grade

***Note: Pursuant to Education Code 48010, a student will be admitted to first grade if his/her sixth birthday is on or before October 1 of the 2013-14 school year or September 1 of the 2014-15 school year and each school year thereafter; see AR 5111 - Admission. ***

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

(cf. 5111 - Admission)

***Note: Pursuant to Education Code 48011, if a student does not meet the age eligibility requirement specified in Education Code 48010, he/she may be admitted to the first grade at the discretion of the administration of the district and with the consent of the student's parents/guardians. 5 CCR 200 mandates that the district adopt regulations setting forth procedures for early admission into first grade which ensure that students meet the minimum criteria outlined below. The district may specify additional criteria if desired. ***

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

Continuation in Kindergarten

***Note: Education Code 46300 specifies that when a student has completed one year of kindergarten, his/her further attendance in kindergarten may be included in the computation of average daily attendance only if the district has on file for the student a signed continuance form, available on the California Department of Education's (CDE) web site, stating that the student shall continue in kindergarten for not more than one additional school year. This agreement is required for any student who continues in kindergarten after one year, even if he/she was admitted early pursuant to Education Code 48000. ***

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

***Note: The following optional paragraph is consistent with a recommendation on the CDE's kindergarten continuance form that the approval for a student's continuance not be given until near the anniversary of the student's admittance to kindergarten because children at this age often do not develop at steady or predictable rates. Permission obtained unreasonably far in advance could be found invalid. ***

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

***Note: The following section applies to grades 1-12. For indicators established by the Governing Board for the identification of students for retention at their current grade level, see the accompanying Board policy. ***

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance

shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

***Note: The following paragraph is optional. ***

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

Appeal Process

***Note: Education Code 48070.5 mandates that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; also see the accompanying Board policy. The following section provides a sample appeal process and may be revised to reflect district practice. ***

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

***Note: The following paragraph is for use by districts that choose to allow the Superintendent or designee's decision to be appealed to the Board. Districts that authorize the Superintendent or designee to make the final determination should delete the following paragraph. ***

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

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

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 5125 - Student Records)
(cf. 5125.3 - Challenging Student Records)

(3/00 11/00) 12/13

CSBA Sample

Board Policy

Administering Medication And Monitoring Health Conditions

BP 5141.21

Students

***Note: The following optional policy and accompanying administrative regulation apply to the administration of medication to students pursuant to Education Code 49414.5, 49414.7, 49423, and 49423.1; permissive guidelines in 5 CCR 600-611; and guidelines related to the training and supervision of nonmedical employees providing emergency medical assistance to students who suffer epileptic seizures (5 CCR 620-627, as amended by Register 2012, No. 44). For students identified as qualified for services under the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), prescribed medication must be administered in accordance with the student's individualized education program or Section 504 services plan. See also BP/AR 5141.24 - Specialized Health Care Services, BP/AR 6159 - Individualized Education Program, and BP/AR 6164.6 - Identification and Education Under Section 504. ***

***Note: This policy and regulation do not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services. ***

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

***Note: 5 CCR 604 authorizes a parent/guardian to administer medication to his/her child or designate an individual to administer the medication, as specified below. In addition, California law allows students to carry and self-administer medication needed for the treatment or management of certain medical conditions, when the district has received a written request from the student's parent/guardian and written authorization from the student's authorized health care provider, as specified in the accompanying administrative regulation. Students have legal

authorization to self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine for anaphylactic reactions pursuant to Education Code 49423, and inhaled asthma medication pursuant to Education Code 49423.1. Pursuant to 5 CCR 605, districts may choose to allow students to carry and self-administer other types of medication beyond those specifically authorized by the Education Code. ***

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6116 - Classroom Interruptions)

***Note: The following optional paragraph may be revised to reflect district practice. The U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that a district's emergency and disaster preparedness plan include procedures for dealing with medical emergencies, such as a pandemic flu outbreak or public disaster. See CSBA's fact sheet Pandemic Influenza. ***

In addition, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Administration of Medication by School Personnel

***Note: Various provisions of state law allow districts to train nonmedical district employees (i.e., those who do not possess a medical license) to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414, 49414.5, and 49414.7 authorize the use of trained, unlicensed school employees to administer emergency medications to students suffering from allergic reactions, severe hypoglycemia, and epileptic seizures. Moreover, in *American Nurses Association v. Torlakson*, the California Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students in school in accordance with a written health care provider statement and parental consent. ***

Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)

***Note: Certain medication-specific statutes that authorize unlicensed district employees to administer medication to students require that such employees be trained. For example, Education Code 49414.7 requires training by qualified medical personnel for unlicensed district employees who volunteer to administer emergency antiseizure medications to students who suffer epileptic seizures. Guidelines for the training and supervision of such unlicensed school employees have been adopted as 5 CCR 620-627 and are specified in the accompanying administrative regulation. ***

When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto-injectable epinephrine, insulin, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.5, 49414.7, 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

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

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

Legal Reference:

EDUCATION CODE

- 48980 Notification at beginning of term
- 49407 Liability for treatment
- 49408 Emergency information
- 49414 Emergency epinephrine auto-injectors
- 49414.5 Providing school personnel with voluntary emergency training
- 49414.7 Emergency medical assistance: administration of epilepsy medication
- 49422-49427 Employment of medical personnel, especially:
- 49423 Administration of prescribed medication for student
- 49423.1 Inhaled asthma medication
- 49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

- 2700-2837 Nursing, especially:
- 2726 Authority not conferred
- 2727 Exceptions in general
- 3501 Definitions

CODE OF REGULATIONS, TITLE 5

- 600-611 Administering medication to students
- 620-627 Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act of 1974
- 1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.App.4th 570

Management Resources:

CSBA PUBLICATIONS

Pandemic Influenza, Fact Sheet, September 2007

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

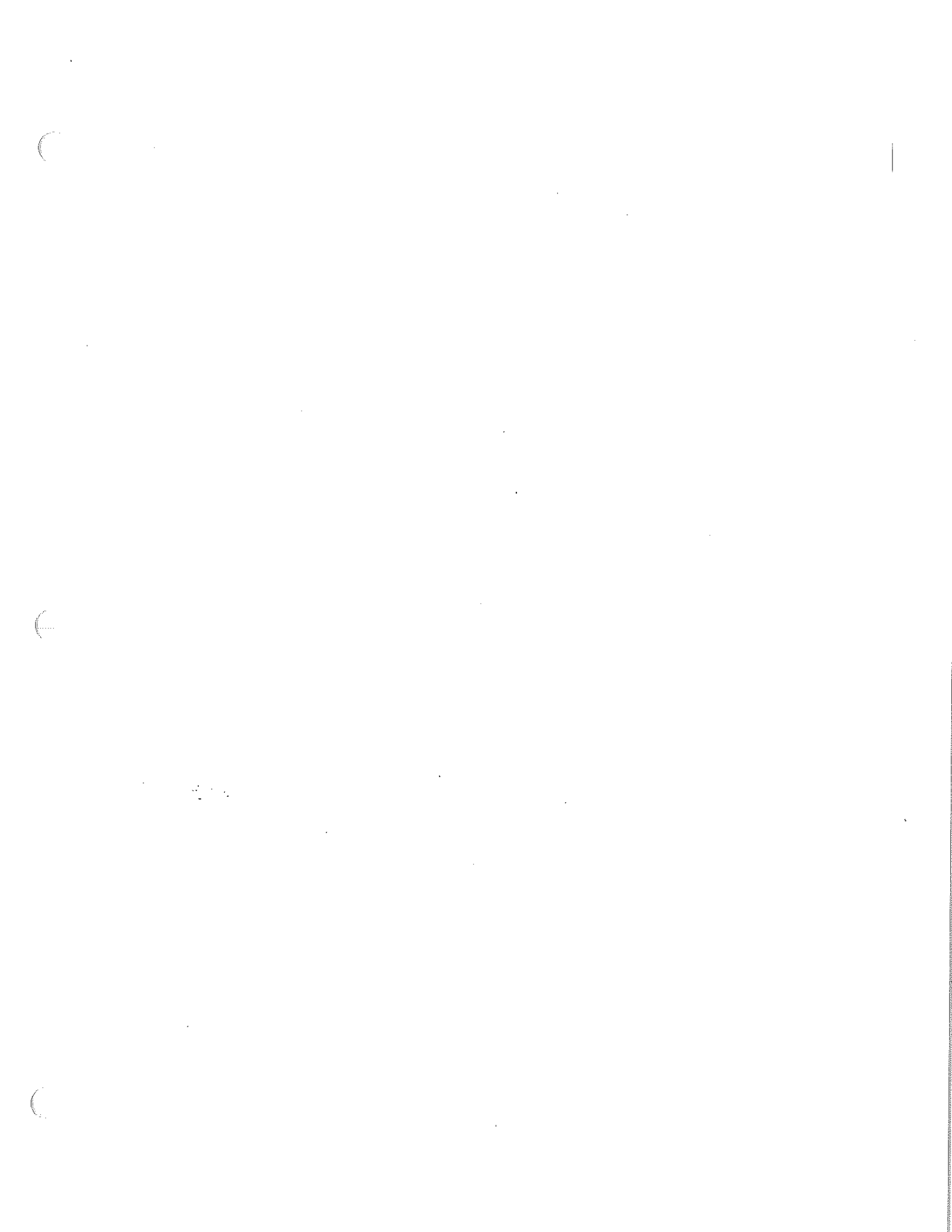
California Department of Education, Health Services and School Nursing:

<http://www.cde.ca.gov/ls/he/hn>

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute,
asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

(11/10 11/11) 12/13



CSBA Sample

Administrative Regulation

Administering Medication And Monitoring Health Conditions

AR 5141.21

Students

***Note: The following administrative regulation is optional. Generally, 5 CCR 600-611 provide permissive guidelines for districts to follow in administering prescribed medication to students. In addition, with respect to certain diseases or medical conditions, various provisions of state law require specific standards of training and supervision for employees who will provide medical assistance, in order to ensure that students are kept safe and liability risks to districts are minimized. Pursuant to Education Code 49414.7, the State Board of Education has adopted 5 CCR 620-627, as amended by Register 2012, No. 44, as guidelines for the training and supervision of employees who may administer emergency antiseizure medication to students suffering from epileptic seizures. ***

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7; 5 CCR 621)

Notifications to Parents/Guardians

***Note: Pursuant to Education Code 48980, districts must notify parents/guardians, at the beginning of each school year, of their rights and responsibilities under Education Code 49423 pertaining to the administration of medication to students by school employees and to self-administration of epinephrine by students. Though such notification is not required for self-administration of asthma and diabetes medication by students, it is recommended that the

annual notification include those medications to facilitate implementation by school personnel. Parent/guardian responsibilities pursuant to Education Code 49423 are included in the section entitled "Parent/Guardian Responsibilities" below. ***

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

***Note: Education Code 49423 and 5 CCR 600 authorize districts to administer prescribed medication only upon receipt of written statements from the student's authorized health care provider and parent/guardian. Education Code 49414.7 and 5 CCR 626 require similar statements before school personnel may administer emergency antiseizure medication to students. In addition, appropriate statements must be received before students are allowed to carry and self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine pursuant to Education Code 49423, or asthma medication pursuant to Education Code 49423.1. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. If so, the district should modify the following section accordingly. See the accompanying Board policy. ***

1. Each school year, providing parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician. (Education Code 49480)

***Note: Pursuant to Education Code 49414.7, if the district chooses to participate in a program to train nonmedical school employees who volunteer to provide emergency medical assistance to students suffering from epileptic seizures when licensed health care professionals are not available onsite, it must establish a district plan that includes item #3 below. ***

3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day. (Education Code 49414.7)

***Note: Pursuant to 5 CCR 606, the district is authorized to establish rules for the delivery and storage of medication on a school site. ***

4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

***Note: 5 CCR 603 authorizes the district to establish specific requirements regarding the parent/guardian's written statement. The following list should be modified to reflect the district's requirements. ***

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall:
(Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

***Note: Education Code 49423 and 49423.1 and 5 CCR 602 list items that the authorized health care provider's written statement must contain, as specified in items #1-4 below. Education Code 49414.7 and 5 CCR 626 contain requirements similar to items #1-3 for the administration of emergency epilepsy medication. Districts that request additional information in the statement should modify the following list accordingly. ***

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer auto-injectable epinephrine or prescribed diabetes or asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)
2. The name of the medication (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)

4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49423, 49423.1; 5 CCR 602)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

***Note: Items #5-7 below may be revised to reflect district practice. ***

5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

6. Possible side effects of the medication

7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7; 5 CCR 626)

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary

2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services

3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation

4. A statement that following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan

District Responsibilities

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

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon

receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered

***Note: 5 CCR 601 specifies items that districts may, but are not required to, include in the medication log, as provided in item #4 below. ***

4. Maintain for each student a medication log which may:

a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

***Note: 5 CCR 601 specifies items that may be included in the medication record, as detailed below. In addition, 5 CCR 607 authorizes the district to establish policies regarding documentation of medication, including the maintenance of the medication record. ***

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication

9. Keep all medication to be administered by the district in a locked drawer or cabinet

10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

***Note: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication. ***

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. Provide immediate medical assistance if needed and report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Additional Requirements for Management of Epileptic Seizures

***Note: Pursuant to Education Code 49414.7, when a district chooses to participate in a program to train nonmedical district employees who volunteer to provide emergency medical assistance to students suffering from epileptic seizures when licensed health care professionals are not available onsite, the district is required to satisfy specific requirements, including developing a district plan with certain components. The requirements of Education Code 49414.7 that are similar to the requirements for administration of other types of medication are addressed in previous sections. Other requirements that are unique to this program are reflected in the following section. ***

In addition to applicable provisions in the sections above, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7; 5 CCR 620-627)

1. Whenever a parent/guardian requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child, notification to the parent/guardian that the child may qualify for services or accommodations pursuant to 20 USC 1400-1482, the Individuals with Disabilities Education Act (IDEA), or 29 USC 794, Section 504 of the federal Rehabilitation Act of 1973 (Section 504).

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

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

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

2. The creation of an individualized health plan, seizure action plan, or other appropriate

health plan designed to acknowledge and prepare for the student's health care needs in school, if his/her parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504.

(cf. 6159 - Individualized Education Program)

3. The distribution of an electronic notice to school staff no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer school employee, the training that such volunteer school employee will receive, the voluntary nature of the program, and the timelines for the volunteer school employee to rescind his/her offer.

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall again notify the student's parent/guardian of the option to have the student assessed for services and accommodations under IDEA or Section 504.

4. An assurance that any employee who volunteers to administer an emergency antiseizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication.

When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training and a student who may need the administration of an emergency antiseizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency antiseizure medication.

5. An assurance that any training provided for district employees who volunteer to administer emergency antiseizure medication to students shall include, but is not limited to:

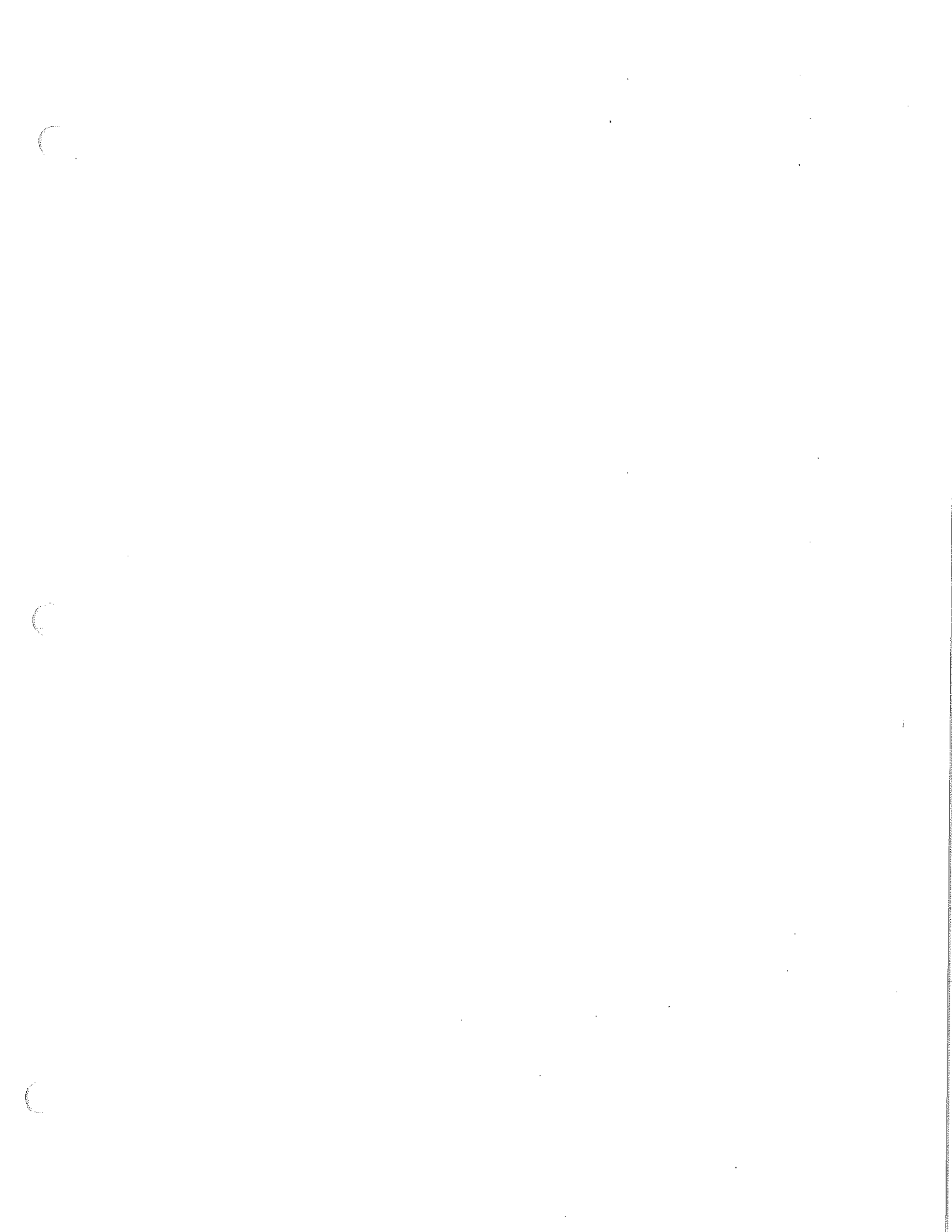
- a. Recognition and treatment of different types of seizures
- b. Administration of an emergency antiseizure medication
- c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room
- d. Techniques and procedures to ensure student privacy

(cf. 5022 - Student and Family Privacy Rights)

6. A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.

7. Supervision of volunteer school employees by a licensed health care professional, in accordance with 5 CCR 627.

(11/10 11/11) 12/13



CSBA Sample

Board Policy

Visual And Performing Arts Education

BP 6142.6

Instruction

***Note: The following optional policy may be revised to reflect district practice. State law requires that visual and performing arts be included in the course of study offered in grades 1-6 (Education Code 51210) and grades 7-12 (Education Code 51220); see AR 6143 - Courses of Study. In addition, Education Code 51225.3 requires completion of one course in visual or performing arts, foreign language (including American Sign Language), or career technical education for high school graduation; see BP 6146.1 - High School Graduation Requirements. ***

***Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for arts and music block grants (established through uncodified SB 77, Ch. 171, Statutes of 2007) into the local control funding formula, thereby eliminating this separate source of funding for hiring of additional staff; purchase of new materials, books, supplies, and equipment; and/or staff development opportunities. ***

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall provide opportunities for creation, performance, and appreciation of the arts.

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

***Note: The State Board of Education (SBE) has adopted content standards for visual and performing arts, including standards for dance, music, theatre, and visual arts at each grade level for grades K-8 and as a cluster for grades 9-12. Items #1-5 below reflect the major strands of the state content standards. Also see the SBE-adopted Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve for further information about the development of standards-aligned curriculum and instruction. ***

The Board shall adopt academic standards for dance, music, theatre, and visual arts that describe the skills, knowledge, and abilities that students shall be expected to possess at each grade level. The district's standards shall meet or exceed state standards for each of these disciplines.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop a sequential curriculum for dance, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the

following strands:

1. Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline
2. Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works
3. Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline
4. Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts
5. Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers

(cf. 6141 - Curriculum Development and Evaluation)

***Note: Pursuant to Education Code 60200, the SBE adopts basic instructional materials for use in grades K-8, including materials for visual and performing arts; see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials. Education Code 60210 authorizes the Governing Board to select materials that have not been approved by the SBE provided that the materials are aligned with state academic content standards and the majority of participants in the review process are teachers assigned to the subject area or grade level for which the materials will be used. ***

***Notes: For grades 9-12, Education Code 60400 and 60411 authorize the Board to select district instructional materials that meet criteria specified in law. ***

The Board shall adopt standards-based instructional materials for visual and performing arts in accordance with applicable law, Board policy, and administrative regulation, which may incorporate a variety of media and technologies.

(cf. 0400 - District Technology Plan)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6161.3 - Toxic Art Materials)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.1 - Library Media Centers)

***Note: Education Code 99200-99205 establish The California Arts Project (TCAP), a statewide professional development project in the visual and performing arts. Professional development resources also may be located through the California Dance Education Association, the California Association for Music Education, the California Educational Theatre Association,

and the California Art Education Association. ***

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement adopted instructional materials.

(cf. 4131 - Staff Development)

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

(cf. 1230 - School-Connected Organizations)

(cf. 1240 - Volunteer Assistance)

(cf. 1260 - Educational Foundation)

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

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6020 - Parent Involvement)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate the implementation of arts education at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

8950-8957 California summer school of the arts

32060-32066 Toxic art supplies

35330-35332 Field trips

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51225.3 Graduation requirements

58800-58805 Specialized secondary programs

60200-60210 Instructional materials, elementary schools

60400-60411 Instructional materials, high schools

99200-99206 Subject matter projects

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Visual and Performing Arts Framework for California Public Schools: Kindergarten through

Grade Twelve, 2004

Visual and Performing Arts Content Standards, January 2001

Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process,
2001

WEB SITES

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

California Art Education Association: <http://www.caea-arteducation.org>

California Dance Education Association: <http://www.cdeadance.org>

California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>

California Educational Theatre Association: <http://www.cetoweb.org>

California Music Educators Association: <http://www.calmusiced.com>

The California Arts Project: <http://csmp.ucop.edu/tcap>

(2/98 11/07) 12/13

CSBA Sample

Board Policy

Reading/Language Arts Instruction

BP 6142.91

Instruction

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.

(cf. 6143 - Courses of Study)

***Note: In August 2010, the State Board of Education (SBE) adopted the Common Core State Standards pursuant to Education Code 60605.8, consisting of a set of national standards in English language arts and mathematics and additional standards added by the state. These standards are available on the California Department of Education's (CDE) web site. State curriculum frameworks, instructional materials adoptions, and assessments will be aligned to these standards, which all California schools are expected to implement in the 2014-15 school year. For further information about the standards and recommendations for implementation, see CSBA's Governing to the Core series of governance briefs. ***

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

(cf. 6011 - Academic Standards)

***Note: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in

English/language arts and other specified subjects to use in class and to take home. For a definition of "sufficiency" for this purpose and a sample Board resolution, see BP/E 6161.1 - Selection and Evaluation of Instructional Materials. ***

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.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

***Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Pupil Retention Block Grant (Education Code 41505-41508), which allowed program funds to be used to provide a supplementary, intensive reading program for grades K-4, into the local control funding formula. At their discretion, districts may design a supplemental instructional program to meet the purposes of that program or other goals for reading performance. ***

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.

(cf. 5148.2 - Before/After School Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

***Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41532) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242) into the local control funding formula. At their discretion, districts may provide professional development opportunities to meet the purposes of those programs or other local needs. ***

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.

(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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.

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

41505-41508 Pupil Retention Block Grant
41530-41532 Professional Development Block Grant
44735 Teaching as a Priority Block Grant
44755-44757.5 Teacher Reading Instruction Development Program, K-3
51210 Areas of study, grades 1-6
51220 Areas of study, grades 7-12
60119 Sufficiency of textbooks and instructional materials
60200.4 Fundamental skills
60207 Curriculum frameworks
60350-60352 Core reading program instructional materials
60605 State-adopted content and performance standards in core curricular areas
60605.8 Common Core standards
99220-99221 California Reading Professional Development Institutes
99230-99242 Mathematics and Reading Professional Development Program (AB 466 trainings)
CODE OF REGULATIONS, TITLE 5
9535 Purchase of nonadopted core reading program instructional materials
11980-11985 Mathematics and Reading Professional Development Program (AB 466 trainings)
11991-11991.2 Reading First achievement index
UNITED STATES CODE, TITLE 20
6381-6381k Even Start Family Literacy Program
6383 Improving literacy through school libraries

Management Resources:

CSBA PUBLICATIONS

Governing to the Core, Governance Briefs

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Common Core State Standards for English Language Arts, August 2010

English Language Arts/English Language Development Framework for California Public

Schools: Kindergarten Through Grade Twelve
Recommended Literature: Kindergarten Through Grade Twelve
WEB SITES

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

California Department of Education, Reading/Language Arts: <http://www.cde.ca.gov/ci/rl>

(7/05 3/07) 12/13

CSBA Sample

Board Policy

State Academic Achievement Tests

BP 6162.51

Instruction

***Note: The following optional policy may be revised to reflect district practice. Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), starting in the 2013-14 school year the state assessment system will begin transitioning from the Standardized Testing and Reporting (STAR) program to the Measurement of Academic Performance and Progress program, designated by the California Department of Education (CDE) as the California Assessment of Student Performance and Progress (CAASPP). For 2013-14, CAASPP will include (1) a field test of the Smarter Balanced Assessment Consortium summative assessment aligned with Common Core State Standards in English language arts and mathematics for grades 3-8 and 11; (2) California Standards Tests in science for grades 5, 8, and 10; (3) for students with disabilities, the California Alternate Performance Assessment (CAPA) in English language arts and mathematics in grades 2-11, and the CAPA or California Modified Assessment in science in grades 5, 8, and 10; (4) the voluntary Early Assessment Program to test college readiness of students in grade 11; and (5) at the district's discretion, Standards-Based Tests in Spanish. See the accompanying administrative regulation for program requirements. ***

***Note: Pursuant to Education Code 60648.5, as added by AB 484, the first full administration of assessments aligned to Common Core State Standards will occur in the 2014-15 school year unless the State Board of Education (SBE) determines that the assessments cannot be fully implemented at that time. In addition, Education Code 60640, as amended, requires the SBE to adopt a primary language assessment that will be administered no later than the 2016-17 school year and to make recommendations by March 1, 2016, for expanding the CAASPP to include additional subjects and assessment methods. ***

***Note: Pursuant to Education Code 60640, for the 2013-14 and/or 2014-15 school years, the district may choose to administer, at its own expense, the STAR tests that are no longer required. If it does so, the district must enter into an agreement with the test contractor subject to the approval of the CDE. ***

***Note: Although grade 2 testing is eliminated in the CAASPP, Education Code 60644, as added by SB 247 (Ch. 479, Statutes of 2013), requires the CDE to identify and inform districts by November 1, 2014, regarding existing assessments in language arts and mathematics for grade 2 that are aligned to Common Core State Standards and are appropriate for diagnostic use by classroom teachers. ***

The Governing Board recognizes that state achievement test results provide an indication of student progress in achieving state academic standards and may be used to promote high-quality teaching and learning. The Superintendent or designee shall administer mandatory student

assessments within the California Assessment of Student Performance and Progress (CAASPP) as required by law and in accordance with Board policy and administrative regulation.

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

***Note: The following paragraph is optional. Any district, school, or significant student subgroup that fails to achieve a 95 percent participation rate in the state mathematics and reading/language arts assessments will not make "adequate yearly progress" (AYP) pursuant to 20 USC 6311. AYP is used to identify schools and districts for program improvement; see BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts. ***

***Note: Pursuant to Education Code 52052, state assessment results are also used in the state's Academic Performance Index (API). However, as amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 52052 authorizes the SBE to suspend the API in the 2013-14 and 2014-15 school years while the state assessment system is in transition. ***

The Board strongly encourages all students at the applicable grade levels to participate in the state assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

***Note: The following paragraph is optional. AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 52056 which encouraged the Governing Board to examine state assessment results by school, grade, and student subgroup as part of the annual discussion of each school's ranking on the API. Nevertheless, Education Code 52052, as amended by AB 97, requires that schools and districts demonstrate comparable improvement in academic achievement by all numerically significant subgroups, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth; see BP 0500 - Accountability. In addition, Education Code 52060, as added by AB 97, requires that the district's local control and accountability plan include annual goals to be achieved for all students and for each numerically significant subgroup; see BP/AR 0460 - Local Control and Accountability Plan. ***

The Board shall annually examine state assessment results by school/grade level, and student subgroup as one measure of the district's progress in attaining its student achievement goals and

shall revise the local control and accountability plan and other district or school plans as necessary to improve student achievement for underperforming student groups.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

49076 Student records; access
51041 Evaluation of educational program
52052 Academic Performance Index; numerically significant student subgroups
52060-52077 Local control and accountability plan
56345 Individualized education program, contents
60600-60630 Assessment of academic achievement
60640-60649 California Assessment of Student Performance and Progress
60660-60663 Electronic learning assessment resources
60810 Assessment of language development
99300-99301 Early Assessment Program

CODE OF REGULATIONS, TITLE 5

850-864 State assessments

UNITED STATES CODE, TITLE 20

1412 Participation of students with disabilities in state assessments

6311 Adequate yearly progress

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 Standards and assessment

Management Resources:

CSBA PUBLICATIONS

Supporting Student Achievement: Student Assessment System in Flux, Governance Brief, June 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Assembly Bill 484 Questions and Answers

CALIFORNIA STATE UNIVERSITY PUBLICATIONS

The Early Assessment Program: Handbook for School Site Leaders, 2008

SMARTER BALANCED ASSESSMENT CONSORTIUM PUBLICATIONS

Usability, Accessibility, and Accommodations Guidelines, September 2013

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

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2000

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

California Learning Resources Network: <http://clrn.org>

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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

(3/07 11/08) 12/13

CSBA Sample

Administrative Regulation

State Academic Achievement Tests

AR 6162.51
Instruction

***Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), starting in the 2013-14 school year the state assessment system will begin transitioning from the Standardized Testing and Reporting (STAR) program to the Measurement of Academic Performance and Progress program, designated by the California Department of Education (CDE) as the California Assessment of Student Performance and Progress (CAASPP). Education Code 60640 requires the State Board of Education (SBE) to revise the applicable state regulations by July 1, 2014, to conform to the new state assessment system. ***

***The following administrative regulation should be revised to reflect the grade levels offered by the district. ***

The district shall administer the following assessments in the California Assessment of Student Performance and Progress (CAASPP): (Education Code 60640)

***Note: Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), requires that students in grades 3-8 and 11 be administered summative English language arts and mathematics assessments developed by the Smarter Balanced Assessment Consortium, as provided in item #1 below. Education Code 60603 defines a "summative assessment" as one designed to be given near the end of the school year to evaluate a student's knowledge and skills relative to a specific set of academic standards. ***

***Note: For the 2013-14 school year, Education Code 60640, as amended, provides that administration of these tests will be field tests only. Pursuant to Education Code 60648.5, as added by AB 484, the first full administration of the tests will occur in the 2014-15 school year unless the SBE determines that the assessments cannot be fully implemented at that time. ***

***Note: At its discretion, the district may administer the STAR tests in 2013-14 and/or 2014-15, at its own expense. If the district chooses to do so and enters into an agreement with the test contractor with the CDE's approval, it may modify item #1 to reflect the STAR tests that will be administered and the applicable grade levels. ***

1. The Smarter Balanced Assessment Consortium summative assessments for English language arts and mathematics, aligned with Common Core State Standards, in grades 3-8 and

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

***Note: Pursuant to Education Code 60640, the testing requirement includes English learners and students with disabilities. However, Education Code 60640 exempts "recently arrived" English learners, as defined in Education Code 60603, from the requirement to take the English language arts assessment, as provided below. In addition, students with disabilities must be provided accommodations as appropriate to enable them to participate in these tests (see section "Testing Variations" below), but if they are still unable to take these tests, then they may be exempted or administered an alternate test; see item #3 below. ***

All students at the applicable grade levels shall be administered these tests, except that:

a. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law

b. Students with disabilities may be provided an alternate test in accordance with their individualized education program (IEP), as provided in item #3 below

(cf. 6159 - Individualized Education Program)

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

***Note: Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), provides that California Standards Tests will be administered in science at grades 5, 8, and 10. When available, the SBE shall adopt an assessment that is aligned with the Next Generation Science Standards adopted by the SBE in September 2013 pursuant to Education Code 60605.85. ***

2. California Standards Tests in science at grades 5, 8, and 10

(cf. 6142.93 - Science Instruction)

***Note: Pursuant to Education Code 60640, students with disabilities must be included in the state assessment program with appropriate accommodations in administration where necessary (see section on "Testing Variations" below), unless exempted by their parents/guardians or eligible to take an alternate assessment in accordance with their individualized education program (IEP). The SBE has designated the California Alternate Performance Assessment (CAPA) for use by any student with severe cognitive disabilities whose IEP team has determined is unable to take the state achievement tests even with accommodations or modifications. Eligible students who are not severely cognitively disabled may instead take the California Modified Assessment (CMA), developed pursuant to 34 CFR 200.1 based on modified achievement standards, if their IEP team determines it is appropriate. According to the CDE's Assembly Bill 484 Questions and Answers, for the 2013-14 school year the CAPA may be used for English language arts and mathematics in grades 2-11 and either the CAPA or CMA may be used for science in grades 5, 8, and 10. ***

3. For students with disabilities who are unable to take the tests specified in items #1-2 above even with appropriate accommodations, the California Alternate Performance Assessment

(CAPA) in English language arts and mathematics for students in grades 2-11 and either the CAPA or California Modified Assessment in science for students in grades 5, 8, and 10, in accordance with the student's IEP

***Note: Item #4 below is optional. In addition to administering the state achievement tests described above to English learners, Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), authorizes the district to administer a primary language assessment to English learners at its discretion and in accordance with an agreement with the test contractor. Currently the Standards-Based Test in Spanish (STS) is designated for this purpose. ***

4. The Standards-Based Test in Spanish (STS) to Spanish-speaking English learners in grades 2-11. This test shall be administered to English learners in addition to the state achievement tests administered in English.

(cf. 6174 - Education for English Language Learners)

***Note: The following paragraph is optional. Pursuant to Education Code 60640, the SBE has approved the use of the STS, at district expense, for the following purpose. ***

The STS also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient.

***Note: Optional item #5 below is for use by districts that maintain high schools. Pursuant to Education Code 60640 and 99300-99301, students in grade 11 may voluntarily take an augmented achievement test which assesses their college readiness in English and/or mathematics (the Early Assessment Program). As amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 99300-99301 provide that, beginning with the 2014-15 school year, the grade 11 Smarter Balanced Assessment Consortium tests may be used for this purpose. ***

5. For students in grade 11 on a voluntary basis, an augmented achievement test approved for use in the Early Assessment Program as a measure of students' readiness for college-level work in English and/or mathematics pursuant to Education Code 99300-99301

Testing Period

***Note: Education Code 60640 provides that the SBE will establish a testing period that allows all schools to administer the achievement tests at approximately the same time during the instructional year and takes into account the need to provide make-up days for students who were absent during testing. ***

The state achievement tests shall be administered within the testing period established by the State Board of Education (SBE) pursuant to Education Code 60640. Students who are absent during testing shall be provided an opportunity to take the tests during the period of time established by the SBE for make-up testing.

Exemptions

***Note: 5 CCR 852 allows students to be exempted from participation in state testing as provided below. However, districts should be aware that if a school's student participation level falls below 95 percent, then the school's ability to make "adequate yearly progress" pursuant to 20 USC 6311 may be affected; see the accompanying Board policy. ***

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. However, district employees shall not solicit or encourage any written exemption on behalf of any student or group of students. (5 CCR 852)

Testing Variations

***Note: Pursuant to 20 USC 1412 and Education Code 60640, students with disabilities must be included in state assessments and provided appropriate accommodations in administration when necessary. 5 CCR 853.5 specifies testing variations that may be used with all students, English learners, and students with disabilities. ***

***As amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 60640 requires 5 CCR 853.5 to be updated by July 1, 2014, to conform to the new state assessment system. Proposed state regulations are consistent with the Smarter Balanced Assessment Consortium's Usability, Accessibility, and Accommodations Guidelines, available on the CDE's web site, which lists "universal tools" available to all students; "designated supports" available for use by any student for whom the need has been indicated by an educator or group of educators; and "accommodations" available to students with disabilities, when documented in the student's IEP or Section 504 plan, to provide equitable access during the assessment without fundamentally altering the comparability of scores. ***

Assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor and California Department of Education (CDE), except that students may be provided a tool, support, or accommodation that is specifically allowed pursuant to 5 CCR 853.5.

Accommodations provided to students with disabilities shall be those specified in their IEP or Section 504 plan. (5 CCR 850, 853.5)

Staff Responsibilities

On or before September 30 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the CDE. In addition, the Superintendent or designee shall designate a coordinator for each test site. The duties of the district and school site test coordinators shall include those specified in 5 CRR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for the CAPA, shall be a certificated or licensed employee of the school, district, or county office of

education. (5 CCR 850)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 850, 857-859)

Report of Test Results

***Note: Education Code 60641, as amended by AB 484 (Ch. 489, Statutes of 2013), requires that test results for individual students be reported to the student's parents/guardians, school, and teacher(s) for any assessments that produce valid individual student results. While field tests are being conducted for some new assessments, those assessments will not produce individual-level scores until it is determined that the scores are valid and reliable. ***

***Pursuant to Education Code 60641, as amended, the district may use electronic media formats to provide this report, provided that the format secures the confidentiality of the student and the student's results. In addition, district personnel are not required to prepare individualized explanations of each student's test scores as part of the report described in the following paragraph. ***

For any state assessments that produce valid individual student results, the Superintendent or designee shall provide a written report of the student's results to his/her parents/guardians which includes a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

(11/08 11/11) 12/13

CSBA Sample

Board Policy

Guidance/Counseling Services

BP 6164.2

Instruction

***Note: The following policy should be revised to reflect district practice. Education Code 49600 authorizes districts to offer a comprehensive educational counseling program implemented by credentialed school counselors. ***

The Governing Board recognizes that a comprehensive counseling program promotes academic achievement and serves the diverse needs of all district students. Counseling staff shall be available to meet with students regarding their educational progress toward academic and/or career goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

(cf. 0460 - Local Control and Accountability Plan)

***Note: Pursuant to Education Code 44266 and 5 CCR 80049-80049.1, persons authorized to provide services in school counseling, school psychology, or school social work must possess a pupil personnel services credential, with the appropriate specialization, issued by the Commission on Teacher Credentialing. ***

The Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

(cf. 4112.2 - Certification)

Academic and Career Counseling

***Note: The following section is for use by districts that maintain any of grades 7-12 and may be revised to reflect district practice and the grade levels offered by the district. AB 97 (Ch. 47, Statutes of 2013) redirects funding for the Supplemental School Counseling Program for grades 7-12 (Education Code 52378-52380) and for the 10th-grade counseling program formerly funded through the Pupil Retention Block Grant (Education Code 41505-41508) into the local control funding formula. ***

The district's academic counseling program shall be designed to assist students to establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included

when making educational plans.

- (cf. 6011 - Academic Standards)
- (cf. 6020 - Parent Involvement)
- (cf. 6174 - Education for English Language Learners)

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

(cf. 5145.6 - Parental Notifications)

The counseling program for high school students may include, at appropriate grade levels:

1. Information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships

- (cf. 6141.5 - Advanced Placement)
- (cf. 6143 - Courses of Study)
- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.11 - Alternative Credits Toward Graduation)
- (cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

2. An opportunity for each student and, if practicable, his/her parent/guardian to meet with a counselor to discuss the student's career goals, available educational and career technical education options, and community and workplace experiences to support the student's goals

- (cf. 6178 - Career Technical Education)
- (cf. 6178.1 - Work-Based Learning)
- (cf. 6178.2 - Regional Occupational Center/Program)

3. Monitoring of each student's fulfillment of required coursework and progress toward promotion and graduation, and notification of the student and his/her parent/guardian of remaining academic requirements

- (cf. 5123 - Promotion/Acceleration/Retention)
- (cf. 6162.52 - High School Exit Examination)

4. Additional specialized counseling services for students identified as at risk of not graduating with their class

- (cf. 6176 - Weekend/Saturday Classes)
- (cf. 6177 - Summer Learning Programs)
- (cf. 6179 - Supplemental Instruction)

The Superintendent or designee shall establish and maintain a program of guidance, placement,

and follow-up for all high school students subject to compulsory continuation education.
(Education Code 48431)

(cf. 6184 - Continuation Education)

***Note: Education Code 221.5 prohibits school counselors from offering vocational or school program guidance to a student of one sex that is different from that offered to a student of the opposite sex. In addition, 5 CCR 4931 prohibits discrimination in counseling programs to the same extent that discrimination is prohibited in all other district programs and activities. Prohibited bases for discrimination in district programs are specified in BP 0410 - Nondiscrimination in District Programs and Activities. ***

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

***Note: 20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with the same access to students as is provided to colleges and prospective employers. Districts that do not grant similar access may lose those funds. Even for districts that do not receive ESEA funds, 10 USC 503 requires districts to grant the same access to military recruiters and employers. Under this section, districts may refuse military access only if the Governing Board has adopted a policy denying access to the military. Districts that do not grant access and have not adopted a policy denying access may be subject to specific interventions, such as notification to the Governor and Congress, so that public officials can work with the district. In addition, Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers. For information regarding military recruiter access to student directory information, see BP/AR 5125.1 - Release of Directory Information. ***

***Note: Option 1 is for use by districts that receive ESEA funds and that grant colleges and prospective employers access to students. Option 1 is also for use by districts that do not receive ESEA funds but choose to grant access to employers and therefore are required to grant access to military recruiters. Option 2 is mandated for those districts that do not receive ESEA funds and wish to deny access to military recruiters. Districts that select Option 2 must also deny access to all other employers. ***

prospective employers, including military recruiters, shall have the
or recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC

ges and prospective employers, including military recruiters, shall not have
for recruiting purposes. (Education Code 49603; 10 USC 503)

(Release of Directory Information)

or Mental Health Counseling

ote: The following optional section may be revised to reflect district practice. A school
ounselor, school psychologist, or school social worker may offer personal or family counseling
in accordance with the authorizations on his/her credentials. In addition, districts may provide
mental health services through school-based health centers (see BP 5141.6 - School Health
Services) and/or may collaborate with community agencies, organizations, and health care
providers to ensure that services are available. ***

A school counselor, school psychologist, or school social worker may provide individualized
personal, mental health, or family counseling to students in accordance with the specialization(s)
authorized by his/her credential. Such services may include, but are not limited to, support
related to the student's social and emotional development, behavior, substance abuse, mental
health assessment, depression, or mental illness. As appropriate, students and their
parents/guardians shall be informed about community agencies, organizations, or health care
providers that offer qualified professional assistance.

- (cf. 1020 - Youth Services)
- (cf. 5113 - Absences and Excuses)
- (cf. 5113.1 - Chronic Absence and Truancy)
- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5137 - Positive School Climate)
- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5141.6 - School Health Services)
- (cf. 5145.9 - Hate-Motivated Behavior)
- (cf. 5147 - Dropout Prevention)
- (cf. 5149 - At-Risk Students)
- (cf. 6164.5 - Student Success Teams)
- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)

***Note: If a minor is 11 years old or younger, consent by a parent/guardian is required before
providing the minor with outpatient mental health counseling or treatment services. Family
Code 6920-6929 and Health and Safety Code 124260 allow a minor age 12 or older to consent to
outpatient mental health counseling or treatment services without parent/guardian consent if, in

the opinion of a school psychologist or other professional person, as defined, the minor is mature enough to participate intelligently in the services. However, the child's parent/guardian must still be involved unless the professional person determines it would be inappropriate. ***

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever *that counselor is* unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5136 - Gangs)

(cf. 5141.52 - Suicide Prevention)

Teacher-Based Advisory Program

***Note: The following optional section is for use by districts that choose to provide a teacher-based advisory program as authorized by Education Code 49600. The following section may be revised to reflect district practice, including the grade levels at which the program will operate. It should be deleted by districts in which all student counseling is provided by credentialed school counselors. ***

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

41505-41508 Pupil Retention Block Grant

44266 Pupil personnel services credential

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250-51251 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

FAMILY CODE

6920-6929 Consent by minor for treatment or counseling

HEALTH AND SAFETY CODE

124260 Mental health services; consent by minors age 12 and older

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

WELFARE AND INSTITUTIONS CODE

5850-5883 Mental Health Services Act

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

80049-80049.1 Pupil personnel services credential

80632-80632.5 Preparation programs for pupil personnel services

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

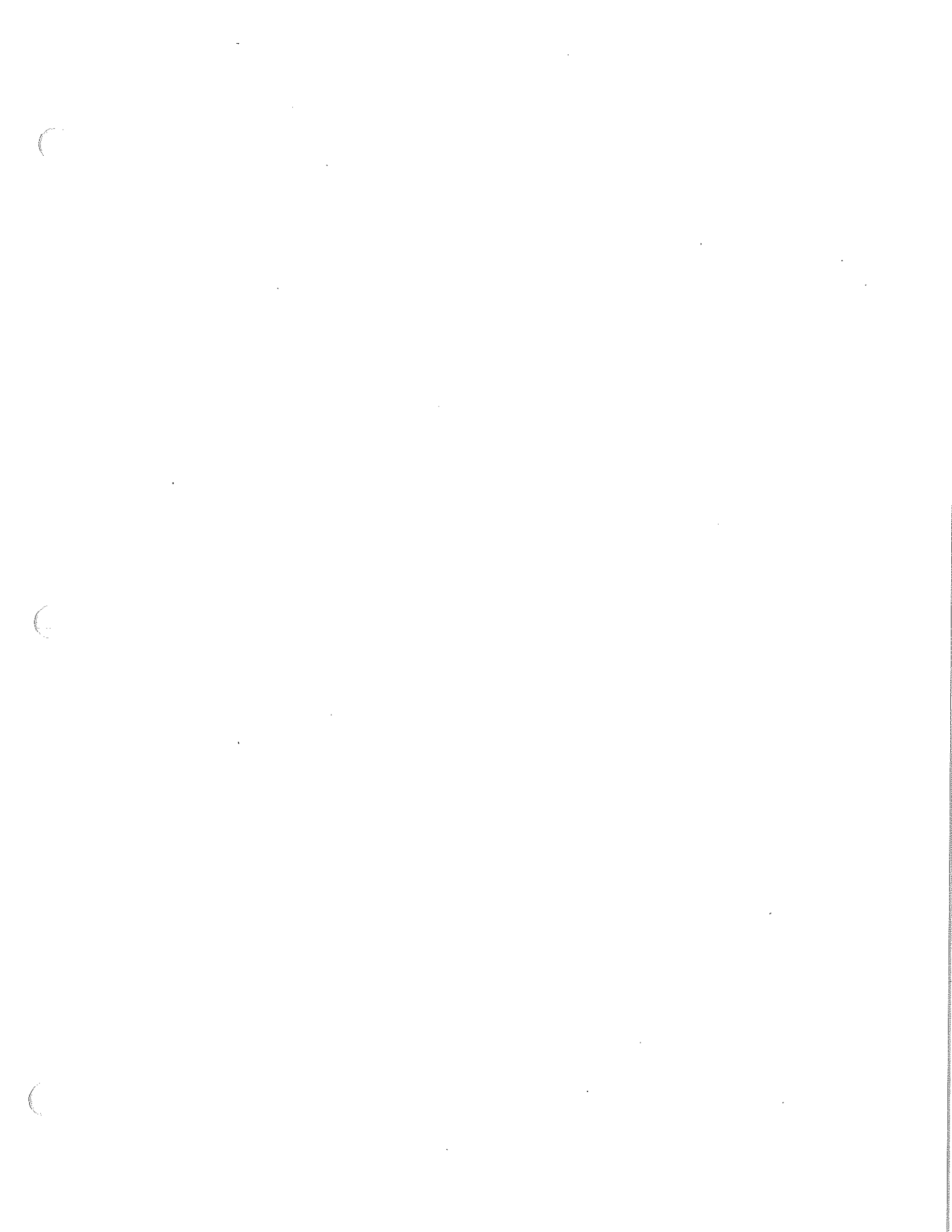
7908 Armed forces recruiter access to students and student recruiting information
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family educational rights and privacy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California Results-Based School Counseling and Student Support Guidelines, 2007
WEB SITES

American School Counselor Association: <http://www.schoolcounselor.org>
California Association of School Counselors: <http://www.schoolcounselor-ca.org>
California Department of Education: <http://www.cde.ca.gov>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
U.S. Department of Education, access to military recruiters:
<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

(10/06 11/07) 12/13



CSBA Sample

Board Policy

Education For Foster Youth

BP 6173.1

Instruction

***Note: Education Code 42238.02 and 42238.03, as added by AB 97 (Ch. 47, Statutes of 2013) and amended by SB 97 (Ch. 357, Statutes of 2013), provide supplemental and concentration grants within the local control funding formula based on the number and concentration of unduplicated counts of students who are foster youth, English learners, and/or eligible for free or reduced-price meals; see BP/AR 3100 - Budget. In addition, AB 97 added Education Code 52060-52077 requiring districts to develop a local control and accountability plan (LCAP) which must be aligned to specific state priorities and any additional local priorities, and which must contain annual goals for all students and for each "numerically significant" student subgroup and the specific actions to be taken to achieve each goal; see BP/AR 0460 - Local Control and Accountability Plan. AB 97 also amended the definition of "numerically significant" student subgroups in Education Code 52052 to include foster youth. ***

***Education Code 48850-48859 (the AB 490 Educational Rights and Stability Act of 2003) create additional obligations for districts regarding the education of foster youth, including the right of foster youth to continue attending their school of origin and the requirement to ensure that foster youth have access to the same academic resources, services, and extracurricular activities that are available to all students. See the accompanying administrative regulation. ***

***While the requirements of the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) may apply to foster youth in certain situations, such as when they are living in emergency or transitional shelters or when they are awaiting foster care placement (see BP/AR 6173 - Education for Homeless Children), Education Code 48850-48859 extend services to youth at any time when in foster care. The following policy may be revised to reflect district practice. ***

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and district academic standards, the Superintendent or designee shall provide them with full access to the district's educational program and implement strategies identified as necessary for the improvement of the academic achievement of foster youth in the district's local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)
(cf. 6011- Academic Standards)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6179 - Supplemental Instruction)

***Note: Pursuant to Education Code 48850, placement determinations for foster youth must be made in accordance with the student's "best interest." In addition, Education Code 48853.5 requires each district to designate a staff person as a foster care liaison to help ensure proper school placement and enrollment. See the accompanying administrative regulation. ***

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

***Note: AB 97 (Ch. 47, Statutes of 2013) eliminated the School Safety and Violence Prevention Act, Education Code 32228-32228.5, which provided funds to undertake measures to ensure school safety and a harassment- and violence-free school environment and redirected the funding into the local control funding formula. However, Education Code 52060, as added by AB 97, requires districts to develop an LCAP that must be aligned with state priorities, including goals for student engagement. The following optional paragraph promotes such student engagement. ***

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build a foster youth's feeling of connectedness with his/her school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

***Note: Education Code 48853.5 encourages districts to collaborate with other agencies to provide services to foster youth. The following optional paragraph should be modified to reflect district practice. ***

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

(cf. 1020 - Youth Services)

***Note: Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), each district is required to update the LCAP by July 1 each year, based on an evaluation rubric to be adopted by the SBE no later than October 1, 2015. The following optional paragraph uses the LCAP review timeline and may be revised to reflect district practice. ***

At least annually and in accordance with the established timelines, the Superintendent or designee shall report to the Board on the outcomes for foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the LCAP for improving or increasing services for foster youth.

(cf. 0500 - Accountability)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

Legal Reference:

EDUCATION CODE

32228-32228.5 Student safety and violence prevention
42238.01-42238.07 Local control funding formula
42920-42925 Foster children educational services
48645-48646 Juvenile court schools
48850-48859 Educational placement of students residing in licensed children's institutions
48915.5 Suspension and expulsion; students with disabilities, including foster youth

48918.1 Notice of expulsion hearing for foster youth
49061 Student records
49069.5 Foster care students, transfer of records
49076 Access to student records
51225.1 Exemption from district graduation requirements
51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course
51225.3 High school graduation
52060-52077 Local control and accountability plan
56055 Rights of foster parents in special education
60851 High school exit examination

HEALTH AND SAFETY CODE

1522.41 Training and certification of group home administrators
1529.2 Training of licensed foster parents
120341 Foster youth: school placement: immunization records

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction
309 Investigation and release of child
317 Appointment of legal counsel
361 Limitations on parental or guardian control
366.27 Educational decision by relative providing living arrangements
602 Minors violating law; ward of court
726 Limitations on parental or guardian control
727 Order of care, ward of court
16000-16014 Foster care placement

UNITED STATES CODE, TITLE 20

1415 Procedural safeguards; placement in alternative educational setting

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

670-679b Federal assistance for foster care programs
11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CSBA PUBLICATIONS

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

AMERICAN BAR ASSOCIATION PUBLICATIONS

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Our Children: Emancipating Foster Youth, A Community Action Guide

WEB SITES

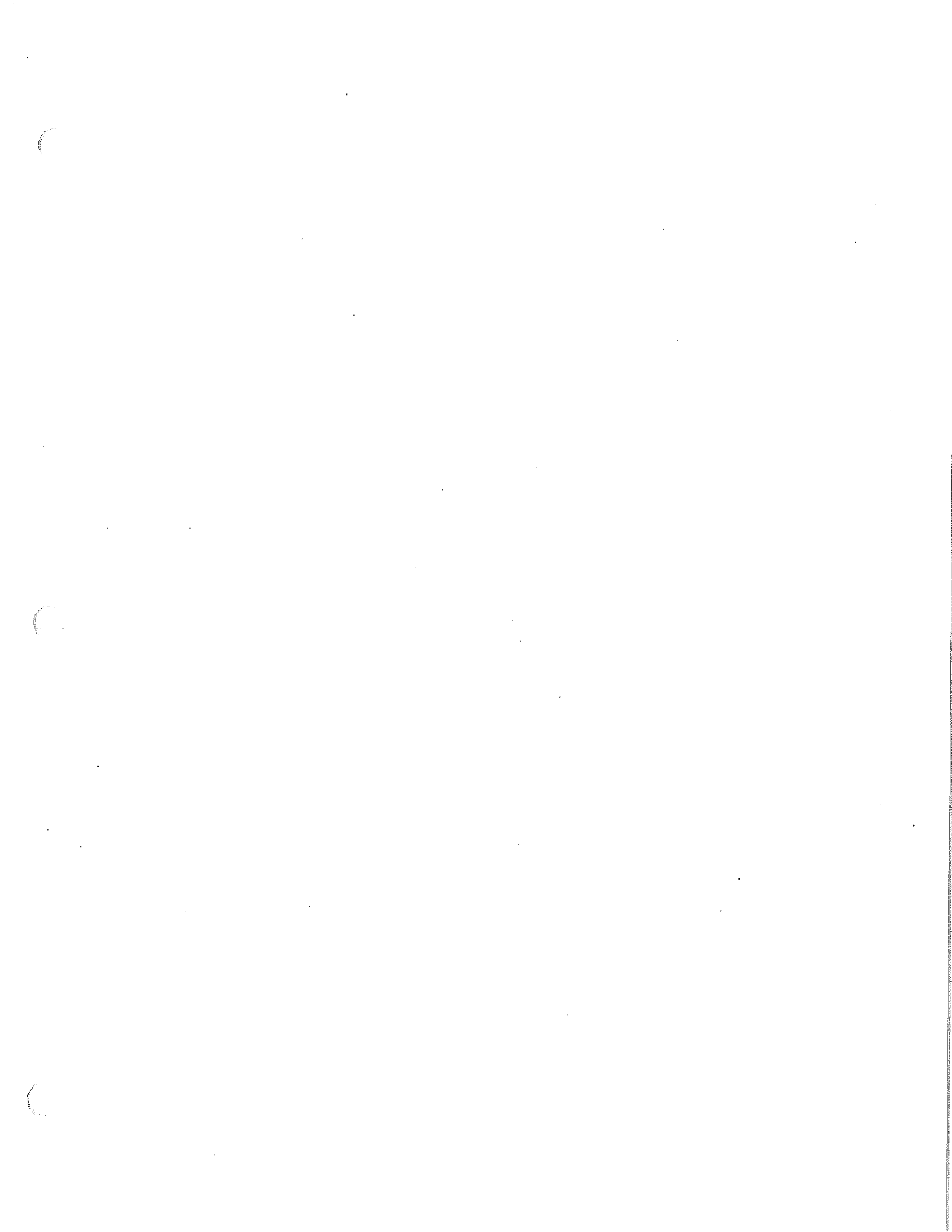
CSBA: <http://www.csba.org>

American Bar Association: <http://www.americanbar.org>

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CAChildWelfareCouncil.aspx>

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>
California Department of Social Services, Foster Youth Ombudsman Office:
<http://www.fosteryouthhelp.ca.gov>
California Youth Connection: <http://www.cal youthconn.org/site/cyc>
Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

(3/08 11/09) 12/13



CSBA Sample

Administrative Regulation

Education For Foster Youth

AR 6173.1
Instruction

Definitions

***Note: Pursuant to Education Code 42238.01, as added by AB 97 (Ch. 47, Statutes of 2013), "foster youth" includes a nonminor who is under the transition jurisdiction of the juvenile court and satisfies criteria specified in law. ***

Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602 or is a nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01. (Education Code 42238.01, 48853.5)

***Note: In instances where the rights of the parent/guardian have been limited, the court may appoint an educational representative on a temporary or long-term basis to make educational decisions for the student. ***

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, and in the best interests of the foster youth, which school is the school of origin. (Education Code 48853.5)

***Note: Education Code 48850 expresses the legislative intent that the "best interests" of a foster youth include educational stability as well as placement in the least restrictive educational program, as provided below. ***

Best interests means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment

activities that are available to all district students. (Education Code 48850, 48853)

District Liaison

***Note: Pursuant to Education Code 48853.5, districts are required to designate a staff person as the educational liaison for foster youth. This person may be the same individual designated as the liaison for homeless students as required by 42 USC 11432; see AR 6173 - Education for Homeless Children. In addition, Education Code 48853.5 requires that, for districts operating a foster youth services program, the liaison be affiliated with that program. The duties of the liaison are as specified below. ***

The Superintendent designates the following position as the district's liaison for foster youth:
(Education Code 48853.5)

Superintendent
(position or title)
3901 North Mesa School Road, Somis
(address)
(805) 485-1411
(phone number)

(cf. 6173 - Education for Homeless Children)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

***Note: Education Code 48645.5 requires districts to accept for credit full or partial coursework completed in a public school or nonpublic nonsectarian school or agency in addition to a juvenile court school; see the section below entitled "Transfer of Coursework and Credits."

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

(cf. 5125 - Student Records)

(cf. 6146.3 - Reciprocity of Academic Credit)

***Note: Pursuant to Education Code 48853.5, 48911, 48915.5, and 48918.1, the district

liaison is required to invite or notify a foster youth's attorney and the appropriate official of the county child welfare agency in certain circumstances when expulsion-related proceedings are pending against the foster youth. For specific situations requiring such invitation or notice, see AR 5144.1 - Suspension and Expulsion/Due Process. ***

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination prior to a change in the foster youth's placement, when he/she is a student with a disability. (Education Code 48853.5, 48911, 48915.5, 48918.1)

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

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

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

***Note: Items #4-8 below are optional and should be modified to reflect district practice. ***

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

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

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

5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services

(cf. 5141.6 - School Health Services)

(cf. 5148.2 - Before/After School Programs)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Language Learners)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for the district's foster

youth

(cf. 1020 - Youth Services)

(cf. 5113.1 - Chronic Absence and Truancy)

***Note: The following optional item facilitates the annual update of the local control and accountability plan required pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013); see BP/AR 0460 - Local Control and Accountability Plan. ***

8. Monitor the educational progress of foster youth and provide reports to the ~~Superintendent or designee~~ and the Governing Board based on indicators identified in the district's local control and accountability plan

(cf. 0460 - Local Control and Accountability Plan)

***Note: The following paragraph is optional. Because the district's liaison for foster youth often has additional duties pertaining to other programs, CSBA's policy brief Educating Foster Youth: Best Practices and Board Considerations recommends periodic evaluation of the liaison's caseload to determine whether he/she is able to adequately fulfill his/her duties with respect to foster youth. ***

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

Enrollment

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(cf. 6159 - Individualized Education Program)

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

***Note: Pursuant to Education Code 48853, a district is required to educate foster youth in the least restrictive environment necessary for their educational achievement. However, a district may be discharged from this obligation when the parent/guardian or other person with the right to make educational decisions for the foster youth unilaterally decides to place the foster youth in another educational program and provides the district a written statement as specified in item #2 below. ***

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another

educational program and submits a written statement to the district indicating that determination and that he/she is aware of the following:

- a. The student has a right to attend a regular public school in the least restrictive environment.
- b. The alternate educational program is a special education program, if applicable.
- c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.
- d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

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

***Note: Pursuant to Education Code 48853.5, a foster youth may continue his/her education in the school of origin under the circumstances stated below. Elementary and high school districts should delete any item (b or c) that is not applicable to the grade levels served by the district. ***

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
 - a. The student may continue in the school of origin for the duration of the court's jurisdiction.
 - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.
 - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
 - d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students

living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

Note: Pursuant to Education Code 48853.5, a district is required to immediately enroll any foster youth transferring into the district even when the foster youth has outstanding fees or fines due to the last school attended or the district has not received the foster youth's academic and medical records, as listed in items #1-3 below. However, pursuant to Health and Safety Code 120341, if a district does not receive a foster youth's immunization records prior to enrolling him/her, the district must take steps, after the foster youth is enrolled, to obtain the his/her immunization records or ensure that he/she is properly immunized. See BP/AR 5141.31 - Immunizations.

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Does not have clothing normally required by the school, such as school uniforms

(cf. 5132 - Dress and Grooming)

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Note: Education Code 48853 and 48853.5 specify that, if a dispute arises regarding school placement, the district shall use an existing dispute resolution process available to any district student. The following paragraph should be modified to reflect district practice.

If the foster youth or a person with the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

(cf. 9320 - Meetings and Notices)

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute.
(Education Code 48853.5)

Transportation

***Note: Pursuant to Education Code 48853.5, a district may, but is not required to, provide transportation to enable a foster youth to attend a school or school district of origin, except when it is otherwise required by federal law or pursuant to the individualized education program of a student with a disability. An example of when transportation might be required under federal law is when a foster youth is homeless, pursuant to the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435). ***

***Note: Option 1 is for use by districts that do not provide transportation. Option 2 is for use by districts that choose to provide transportation to foster youth to their school of origin and may be revised to reflect district practice. ***

~~OPTION 1:~~ The district shall not be responsible for providing transportation to and from the school of origin.

OPTION 2: Upon request, the district may provide transportation for a foster youth to and from his/her school of origin when the student is residing within the district and the school of origin is within district boundaries.

(cf. 3540 - Transportation)
(cf. 3541 - Transportation Routes and Services)

Effect of Absences on Grades

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

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

(cf. 5121 - Grades/Evaluation of Student Achievement)

Transfer of Coursework and Credits

Note: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework and credits completed by foster youth, as provided below.

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Note: Though Education Code 51225.2 requires districts to award partial credits to foster youth who transfer from school to school, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of foster youth, the California Child Welfare Council (CCWC), in its Partial Credit Model Policy and Practice Recommendations available on its web site, recommends the approach specified in the following optional paragraph, which may be revised to reflect district practice.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

Note: The following section is for use by districts maintaining high schools. Also see BP 6146.1 - High School Graduation Requirements.

To obtain a high school diploma, a foster youth shall pass the high school exit examination in English language and mathematics, complete all courses required by Education Code 51225.3, and fulfill any additional graduation requirement prescribed by the Board.

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

***Note: Previously, Education Code 51225.3 exempted any foster youth who transfers into the district or between district schools in grades 11-12 from locally established high school graduation requirements. However, AB 216 (Ch. 324, Statutes of 2013) deleted this provision from Education Code 51225.3 and included it in newly added Education Code 51225.1 with some modifications as specified below. This exemption does not apply to state graduation requirements for course completion or the high school exit examination. ***

However, when a foster youth who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for him/her, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. (Education Code 51225.1, 60851)

To determine whether a foster youth is in his/her third or fourth year of high school, the district shall use either the number of credits the foster youth has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any foster youth who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the foster youth's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a foster youth to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a foster youth or any person acting on behalf of a foster youth. (Education Code 51225.1)

***Note: Pursuant to Education Code 51225.1, as added by AB 216 (Ch. 324, Statutes of 2013), a district may allow a foster youth to remain in high school for a fifth year to enable him/her to complete the district's graduation requirements, as provided below. ***

Upon making a finding that a foster youth is reasonably able to complete district graduation requirements within his/her fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the foster youth and the person holding the right to make educational decisions for him/her of the foster youth's option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if he/she is under 18 years of age, the person holding the right to make educational decisions for him/her, permit the foster youth to stay in school for a fifth year to complete the district's graduation requirements

Eligibility for Extracurricular Activities

***Note: Education Code 48850 provides that, when a foster youth's residence changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports. For additional information about eligibility requirements, see BP 6145 - Extracurricular and Cocurricular Activities. ***

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

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CSBA Sample

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

Note: Government Code 11138 mandates districts to adopt rules and regulations to ensure that district programs and activities are free from unlawful discrimination. In accordance with various provisions of state and federal law, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on race or ethnicity, nationality, sex, sexual orientation, gender, gender identity, gender expression, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Government Code 11135 prohibits discrimination based on all the foregoing characteristics and on age, disability, and an individual's genetic information. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability.

Note: Education Code 260 and 5 CCR 4900-4965 require the Governing Board to monitor district compliance with these state and federal laws. The federal laws are enforced by the Office for Civil Rights of the U.S. Department of Education, and the California Department of Education may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4687.

Note: Government Code 12940, as amended by AB 556 (Ch. 691, Statutes of 2013), prohibits employers from discriminating against employees and job applicants based on their military or veteran status. In addition, Government Code 12940 prohibits employers from discriminating against employees and job applicants based on genetic information, gender identity, and gender expression, and requires employers to reasonably accommodate employees' religious dress and grooming practices. For policy language addressing these prohibitions, see BP 4030 - Nondiscrimination in Employment.

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

Note: Pursuant to Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013), a district is required to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. It should be noted that an attempt is currently in progress to qualify a referendum on AB 1266 for the November 2014 ballot. However, even as the eventual outcome is unknown as of this writing, the district still has an obligation under other existing state and federal laws to accommodate the needs of transgender and gender-nonconforming students; see BP/AR 5145.3 - Nondiscrimination/Harassment. Districts with questions about the rights of transgender and gender-nonconforming students should consult legal counsel as appropriate. For further information, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Interim Guidance Regarding Transgender Students, Privacy, and Facilities.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

Note: Many nondiscrimination laws and regulations contain a notification requirement. For example, pursuant to 34 CFR 104.8 and 106.9, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the bases of disability and sex in its educational programs or activities. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and

employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

Note: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice.

Note: In addition, pursuant to 28 CFR 35.136, a district must permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. Districts with questions about compliance with the ADA should consult with legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

(cf. 6163.2 - Animals At School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

Note: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them.

Note: In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). In effect, the district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

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

Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013

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

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Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

Pacific ADA Center: <http://www.adapacific.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>

(7/03 3/12) 2/14

CSBA Sample

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

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(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
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(Keep)

(cf. 1330 - Use of Facilities)

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(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

Note: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice.

Note: In addition, pursuant to 28 CFR 35.136, a district must permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. Districts with questions about compliance with the ADA should consult with legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

(cf. 6163.2 - Animals At School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

Note: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them.

Note: In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). In effect, the district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48985 Notices to parents in language other than English
51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions
11135 Nondiscrimination in programs or activities funded by state
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
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UNITED STATES CODE, TITLE 20
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1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
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36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

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

California Safe Schools Coalition: <http://www.casafeschools.org>

Pacific ADA Center: <http://www.adapacific.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:
<http://www.ada.gov>

(7/03 3/12) 2/14

CSBA Sample

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

Note: Government Code 11138 mandates districts to adopt rules and regulations to ensure that district programs and activities are free from unlawful discrimination. In accordance with various provisions of state and federal law, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. Education Code 220 prohibits discrimination based on race or ethnicity, nationality, sex, sexual orientation, gender, gender identity, gender expression, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Government Code 11135 prohibits discrimination based on all the foregoing characteristics and on age, disability, and an individual's genetic information. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability.

Note: Education Code 260 and 5 CCR 4900-4965 require the Governing Board to monitor district compliance with these state and federal laws. The federal laws are enforced by the Office for Civil Rights of the U.S. Department of Education, and the California Department of Education may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4687.

Note: Government Code 12940, as amended by AB 556 (Ch. 691, Statutes of 2013), prohibits employers from discriminating against employees and job applicants based on their military or veteran status. In addition, Government Code 12940 prohibits employers from discriminating against employees and job applicants based on genetic information, gender identity, and gender expression, and requires employers to reasonably accommodate employees' religious dress and grooming practices. For policy language addressing these prohibitions, see BP 4030 - Nondiscrimination in Employment.

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

Note: Pursuant to Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013), a district is required to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. It should be noted that an attempt is currently in progress to qualify a referendum on AB 1266 for the November 2014 ballot. However, even as the eventual outcome is unknown as of this writing, the district still has an obligation under other existing state and federal laws to accommodate the needs of transgender and gender-nonconforming students; see BP/AR 5145.3 - Nondiscrimination/Harassment. Districts with questions about the rights of transgender and gender-nonconforming students should consult legal counsel as appropriate. For further information, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Interim Guidance Regarding Transgender Students, Privacy, and Facilities.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

Note: Many nondiscrimination laws and regulations contain a notification requirement. For example, pursuant to 34 CFR 104.8 and 106.9, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the bases of disability and sex in its educational programs or activities. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and

employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

Note: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice.

Note: In addition, pursuant to 28 CFR 35.136, a district must permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. Districts with questions about compliance with the ADA should consult with legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

(cf. 6163.2 - Animals At School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

Note: Pursuant to 28 CFR 35.130 and 35.160, the ADA requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them.

Note: In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). In effect, the district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available.

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(cf. 6020 - Parent Involvement)

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(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

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U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>

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CSBA Sample

Administrative Regulation

Family Care And Medical Leave

AR 4161.8 4261.8,4361.8

Personnel

Note: The following optional administrative regulation is subject to collective bargaining agreements. Any subject covered by this administrative regulation should be deleted if already addressed in the district's collective bargaining agreements.

Note: Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not provide identical rights. In some situations the laws overlap, but in others they conflict. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under California law, a female employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a conflict between state and federal law, the law that grants the greatest benefits generally controls. In those situations, legal counsel should be consulted as needed.

The district shall not interfere with, restrain, or deny the exercise or attempted exercise by any eligible employee of his/her right to any family care and medical leave or pregnancy disability leave (PDL) provided through the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA), nor shall it discharge or discriminate or retaliate against any employee for his/her involvement in any inquiry or proceeding related to any leave under any of these laws or his/her opposition to or challenge of any unlawful district practice in relation to any rights granted by any of these laws. (Government Code 12945, 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 29 USC 2611; 29 CFR 825.110)

Employee disabled by pregnancy means a woman who, in the opinion of her health care provider, is unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or other persons; or who is suffering from severe "morning sickness" or needs to take time off for any pregnancy-related condition including, but not limited to, prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, childbirth, loss or end of pregnancy, or recovery from childbirth or loss or end of pregnancy. (2 CCR 7291.2)

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 7297.0; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either of the following: (Government Code 12945.2; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

***Note: Pursuant to state law (Family Code 297.5), registered domestic partners have the same rights, protections, and benefits as spouses. In re Marriage Cases, the California Supreme Court ruled that the provision in Family Code 300 which limits the official designation of marriage to a union between a man and a woman violates the equal protection clause of the state

constitution.***

Note: In addition, in *United States v. Windsor*, the U.S. Supreme Court held that the federal Defense of Marriage Act (1 USC 7) which defines marriage, for purposes of benefits under federal law, as a "union between a man and a woman," constituted a deprivation of the equal liberty of persons in violation of the Fifth Amendment to the U.S. Constitution. Districts with questions about the status of benefits for registered domestic partners or spouses of same-sex marriages should consult legal counsel as appropriate.

Spouse means a partner in marriage as defined in Family Code 300. In addition, for purposes of CFRA, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5, 300; 2 CCR 7297.0; 29 CFR 825.122)

Eligibility

Note: Pursuant to Government Code 12945.2 and 29 USC 2611, a district is required to grant family care and medical leave to an eligible employee for any of the reasons stated below, except where the district employs fewer than 50 employees within 75 miles of the worksite where the employee requesting the leave is employed.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Family Code 297.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position

Note: Pursuant to 29 CFR 825.126, as amended by 78 Fed. Reg. 25, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, son, daughter, or parent who is a military member is on covered active duty during deployment to a foreign country. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

***Note: 29 CFR 825.127, as amended by 78 Fed. Reg. 25, has extended the military caregiver leave to family members of a covered veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date that the eligible employee takes FMLA leave to care for the veteran. For requirements related to military

caregiver leave, see the section on "Military Caregiver Leave" below.***

5. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent, or next of kin, as defined, of the servicemember

Note: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. Pursuant to 2 CCR 7297.6, however, entitlements under PDL and CFRA are separate and distinct. An employee is entitled to up to four months of PDL prior to the birth of a child and up to 12 weeks of CFRA leave following the birth of the child. Additionally, pursuant to 2 CCR 7291.4, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant any pregnant female employee PDL during pregnancy, when she is disabled by pregnancy, childbirth, or any related medical condition. (Government Code 12945; 2 CCR 7291.4)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. (Government Code 12945.2; 29 USC 2612)

Note: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods specified in Options #1-4 below which are examples listed in 29 CFR 825.200. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected must be applied uniformly to all employees.

OPTION 1: This 12-month period shall coincide with the calendar year. (29 CFR 825.200)

OPTION 2: This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

OPTION 3: This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

OPTION 4: This 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

Note: 2 CCR 7291.9, as amended by Register 2012, No. 48, clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For a part-time employee, four months shall be calculated on a proportional basis.

In addition, for each pregnancy, a female employee shall be entitled to PDL for the period of the disability not to exceed four months. (Government Code 12945; 2 CCR 7291.9)

Note: Leaves under CFRA and FMLA sometimes overlap and run concurrently so that total leave to which an employee is entitled would not be cumulative. For example, pursuant to Government Code 12945.2, CFRA leave for the birth of an employee's child would run concurrently with the employee's FMLA leave entitlement, thereby limiting it to 12 work weeks. However, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 7291.13, an employee may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult legal counsel as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks for the reason of the birth of her child, if the child has been born by this date (e.g., baby bonding), whether or not she or the child has a serious health condition or disability. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945, 12945.2; 2 CCR 7291.13, 7297.6)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (2 CCR 7297.3; 29 USC 2612)

Note: The following optional paragraph is for use by districts that limit family care and medical leave related to the birth or placement of a child to a total of 12 work weeks when both parents work for the district. However, pursuant to 2 CCR 7297.1, such limit on employees' entitlement to family care and medical leave for any other qualifying purpose is prohibited.

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 weeks. This restriction shall apply whether the parents are married, not married, or registered domestic partners. (Government Code 12945.2; 2 CCR 7297.1; 29 USC 2612)

Use/Substitution of Paid Leave

Note: The district may require employees (Option 1) or give employees discretion (Option 2) to substitute paid leave or other negotiated unpaid time off for the family care and medical leave, so that the paid leave or unpaid time off and the family care and medical leave would run concurrently. Paid leave may be substituted only to the extent that the employee would otherwise be eligible to take the leave. However, for leave taken under the CFRA for the employee's own serious health condition, the district can only require him/her to use accrued sick leave and cannot require the employee to use accrued vacation or personal time off.

OPTION 1: An employee shall substitute his/her accrued vacation leave, other accrued time off, and any other paid or unpaid time off negotiated with the district for any FMLA or CFRA

leave not involving his/her own serious health condition or pregnancy disability. For the employee's PDL or FMLA or CFRA leave due to his/her own serious health condition, the employee shall use accrued sick leave pursuant to the collective bargaining agreement and/or Board policy and may use accrued vacation leave and other paid or unpaid time off at his/her option. (Government Code 12945, 12945.2; 2 CCR 7291.11; 29 USC 2612)

* ~~OPTION 2:~~ During the period of PDL or any FMLA or CFRA leave, the employee may elect to use his/her accrued vacation leave, accrued sick leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. (Government Code 12945, 12945.2; 2 CCR 7291.11; 29 USC 2612)

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4161/4261/4361 - Leaves)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district may limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave, not to be greater than one hour. (2 CCR 7291.9, 7297.3; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position if the employee is pregnant and provides medical certification from her health care provider of the medical need for intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule is foreseeable based on his/her planned medical treatment or that of a family member. This alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 7291.8, 7297.3; 29 USC 2612)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Request for Leave

***Note: Pursuant to 2 CCR 7291.17 and 7297.4, an employee is required to notify the district of the need to take PDL or family care and medical leave. However, for family care and medical leave, the employee need not specifically mention CFRA or FMLA. (Faust v. California Portland Cement Company) ***

An employee shall provide at least verbal notice sufficient to make the district aware of the need

to take PDL or family care and medical leave and the anticipated timing and duration of the leave. (2 CCR 7291.17, 7297.4)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement; however, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 7297.4)

***Note: Both 29 CFR 825.300 and 2 CCR 7297.4 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications. ***

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. (2 CCR 7297.4)

***Note: Pursuant to 2 CCR 7297.4, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If a district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications." ***

Note: Pursuant to 2 CCR 7291.17, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable. Districts that do not require 30 days advance notice should modify the following paragraph accordingly.

When the need for the PDL or family care and medical leave is foreseeable, the employee shall provide the district with at least 30 days advance notice before the leave. The employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 7291.17, 7297.4)

When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. (2 CCR 7291.17, 7297.4)

Certification of Health Condition

***Note: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL or family care and medical leave for his/her own serious health condition or to care for a child, parent, or spouse with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this section should

request a medical certification from all employees.***

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 7297.4; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 7297.0; 29 USC 2613)

1. The date on which the serious health condition began
 2. The probable duration of the condition
 3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care during a period of the treatment or supervision of the child, parent, or spouse
 - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
- ***Note: 2 CCR 7297.0 provides that the health care provider's certification need not identify the serious health condition involved, if the leave is for the care of the employee's child, parent, or spouse.***
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
 5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

In addition, at the employee's option, the certification may include a diagnosis identifying the serious health condition. (2 CCR 7297.0)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave

as FMLA/CFRA as long as there is no harm to the employee. (29 CFR 825.301)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 29 USC 2613)

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 7291.17)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 7291.17)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because she is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 7291.17)

The Superintendent or designee shall not request any genetic information, as defined in 42 USC 2000ff, from any employee or his/her family member except as necessary to comply with a certification requirement for PDL or FMLA/CFRA leave purposes or with the prior written authorization of the employee. Any such genetic information received by the district shall be kept confidential in accordance with law. (42 USC 2000ff-1, 2000ff-5)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 7291.17; 29 USC 2613)

Fitness for Duty Certification/Release to Return to Work

***Note: The following optional section is for use by districts that choose to require a fitness-for-duty certification and may be modified to list the specific positions for which certification is required. Pursuant to Government Code 12945.2 and 29 CFR 825.312, the district may require an employee to submit a fitness-for-duty certification upon returning to work when the following two conditions are met: (1) the leave was a result of the employee's own

serious health condition, and (2) the district has adopted a policy that is applied uniformly to all similarly situated employees (i.e., same occupation, same serious health condition). In addition, 2 CCR 7291.17 has similar requirements when an employee is returning to work after a PDL. However, if the district's collective bargaining agreement governs the employee's return to work, the collective bargaining agreement shall supersede any policy requirements.***

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Note: Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the essential functions of his/her job with the "designation notice"; see section entitled "Notifications" below.

Note: The following paragraph is optional and should be deleted by districts that do not require certification of an employee's ability to perform the essential functions of the job.

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

Rights to Reinstatement

Note: Pursuant to Government Code 12945.2, 2 CCR 7291.10, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position when he/she returns from such leave. However, such an employee has no greater right to reinstatement or other benefits than he/she would have if he/she had been continuously employed. In addition, in certain situations described below, the district may be relieved of the obligation to reinstate an employee.

Upon granting an employee's request for PDL or family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 7291.10; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from family care and medical leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.

3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 7291.10)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 29 USC 2614)

For up to a maximum of four months for PDL or 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 7291.11; 29 USC 2614; 29 CFR 825.213)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not be required to make plan payments for an employee during the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 7291.11)

Military Family Leave Resulting from Qualifying Exigencies

***Note: 29 USC 2611 and 2612 authorize an eligible employee to take up to 12 work weeks of unpaid leave to attend to an "exigency" arising out of the fact that a spouse, child, or parent of the employee is on active duty or on call to active duty status in the National Guard or Reserves, or is a servicemember of the regular Armed Forces on deployment to a foreign country. 29 CFR 825.100-825.800, as amended by 78 Fed. Reg. 25, made changes to the implementation of this FMLA leave as specified in the following optional section, including in the definition of "covered military member" which, pursuant to 29 CFR 825.126, is now "military member." 29

CFR 825.126 also clarifies the meaning of "covered active duty" as it relates to servicemembers in the National Guard or Reserves.***

Note: Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to the U.S. Department of Labor's (DOL) Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, an employee may take all 12 weeks of his/her FMLA leave entitlement as a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid leave during the 12-month period established by the district while a military member is on covered active duty or call to covered active duty status for one or more qualifying exigencies. (29 USC 2612; 29 CFR 825.126)

Military member means an employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status. (29 CFR 825.126)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

Note: 29 CFR 825.126, as amended by 78 Fed. Reg. 25, has added parental care to the seven existing categories of "qualifying exigencies." In addition, a "qualifying exigency" includes "any other event" as agreed to by the district and the employee. As an example of such other event, the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers lists leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the covered military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment (up to seven calendar days from the date of receipt of call or order of short notice deployment)
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange childcare or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider

Note: 29 CFR 825.126, as amended by 78 Fed. Reg. 25, has increased the allowable qualifying exigency leave for reason of "rest and recuperation" from five to 15 days.

6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, Rest and Recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

Note: 29 CFR 825.309, as amended by 78 Fed. Reg. 25, has expanded the list of information which a district may require an employee to provide, to include a copy of the military member's Rest and Recuperation leave order or other military-issued documentation that specifies the military member's leave. In addition, the district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its web site.

Note: The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting such leave for the first time shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

Note: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

Note: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a "single 12-month period." As is the case with other FMLA leaves, this law applies to districts that employ at least 50 employees within 75 miles of the worksite where the employee requesting the leave is employed; see the section entitled "Eligibility" above.

Note: According to the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date of leave taken, to an eligible employee to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, an employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Note: Unlike the provisions for other FMLA/CFRA leave, 29 CFR 825.127 places no age limit on the definition of "son or daughter," as detailed below. In addition, 29 CFR 825.127 defines "next of kin" of a covered servicemember in relation to military caregiver leave.

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step,

or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Note: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, as amended by 78 Fed. Reg. 25, one of the four conditions listed in item #2 below must be present for a veteran's injury or illness to qualify as a "serious injury or illness" for the purpose of this leave.

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating

b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran

d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

***Note: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 and 825.303 require the employee, when the need for the leave is foreseeable, to provide 30 days advance

notice to the district before the leave is to begin.***

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

Note: 29 CFR 825.310 authorizes the district to require the employee to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember. 29 CFR 825.310, as amended by 78 Fed. Reg. 25, has expanded the definition of "authorized health care provider" for this purpose to include health care providers listed in 29 CFR 825.125 who are not affiliated with the Department of Defense or Department of Veterans Affairs and authorizes a district to require second and third opinions from such health care providers.

Note: The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

Note: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to the DOL's Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers, an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave, but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

Note: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regards to FMLA/CFRA leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the

section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

Note: Both 29 CFR 825.300 and 2 CCR 7297.9 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 7291.16 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the web sites of the California Department of Fair Employment and Housing and the DOL.

Note: 2 CCR 7297.9 further requires that if the workforce at any facility contains 10 percent or more of persons with a primary language other than English, the posted notice of state law must be translated into the language(s) these employees speak.

The Superintendent or designee shall provide the following notifications about state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the FEHA and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 7291.16, 7297.9; 29 USC 2619)

Note: Pursuant to 2 CCR 7291.17 and 7297.4, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 7291.16 and 7297.4 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

Note: The following optional paragraph is for use by districts that require employees to provide advance notice.

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the leave, when the need for the leave is reasonably foreseeable. (2 CCR 7291.17, 7297.4)

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

2. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 7291.16; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an

employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as appropriate: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

Note: Item #b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Fitness for Duty Certification/Release to Return to Work" above.

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to substitute paid leave, whether the district will require substitution of paid leave, conditions related to any substitution, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. If applicable, the employee's status as a "key employee," potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or

weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

Note: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be substituted for unpaid family care and medical leave, whether the district requires an employee to present a fitness-for-duty certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Fitness for Duty Certification/Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

If the district requires paid leave to be substituted for unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a fitness-for-duty certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

Note: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Legal Reference:

EDUCATION CODE

44965 Granting of leaves of absence for pregnancy and childbirth

FAMILY CODE

297-297.5 Rights, protections, and benefits under law; registered domestic partners

300 Validity of marriage

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

12946 Fair Employment and Housing Act: discrimination prohibited
CODE OF REGULATIONS, TITLE 2
7291.2-7291.17 Sex discrimination: pregnancy and related medical conditions
7297.0-7297.11 Family care leave
UNITED STATES CODE, TITLE 1
7 Definition of marriage
UNITED STATES CODE, TITLE 29
2601-2654 Family and Medical Leave Act of 1993, as amended
UNITED STATES CODE, TITLE 42
2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008
CODE OF FEDERAL REGULATIONS, TITLE 29
825.100-825.800 Family and Medical Leave Act of 1993
COURT DECISIONS
United States v. Windsor, (2013) 699 F.3d 169
Re Marriage Cases, (2008) 43 Cal.4th 757
Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

FEDERAL REGISTER

The Family and Medical Leave Act; Final Rule; February 6, 2013. Vol. 78, No. 25, pages
8903-8947

U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

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

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

CSBA Sample

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

Note: The following mandated policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual, including Education Code 220, which prohibits discrimination based on race, nationality, ethnicity, gender, gender identity, gender expression, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55; Title VI (42 USC 2000d-2000e-17), which prohibits discrimination based on race, color, or national origin; and Title IX (20 USC 1681-1688), which prohibits discrimination based on sex. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of these characteristics. See also BP 0410 - Nondiscrimination in District Programs and Activities.

Note: Moreover, the right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with his/her gender identity is specified in Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013). It should be noted that an attempt is currently in progress to qualify a referendum on AB 1266 for the November 2014 ballot. However, even as the eventual outcome is unknown as of this writing, the guidelines included in this Board policy and the accompanying administrative regulation to accommodate the needs of transgender students reflect best practices based on existing state and federal law. Districts with questions about the rights of transgender and gender-nonconforming students should consult legal counsel as appropriate. For more information on the rights of transgender students, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Interim Guidance Regarding Transgender Students, Privacy, and Facilities.

Note: Education Code 234.1 mandates that districts adopt policy prohibiting, at school or in any school activity related to school attendance or under the authority of the district, discrimination, harassment, intimidation, and bullying based on the foregoing characteristics. The California Department of Education, through its Federal Program Monitoring process, reviews districts' uniform complaint procedures and other policies and practices to ensure compliance with these requirements.

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or

parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

Note: The following paragraph is optional and may be modified to reflect district practice. Pursuant to Education Code 234.1, a district is required to publicize its nondiscrimination policies to the school community.

Note: In addition, in its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S. Department of Education's Office for Civil Rights identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See the accompanying administrative regulation for specific measures to prevent discrimination and facilitate students' access to the educational program.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

- (cf. 1330 - Use of Facilities)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.2 - Guidance/Counseling Services)

Note: Policies related to discrimination or harassment must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. The district should consult legal counsel as necessary.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4119.21/4219.21/4319.21 - Professional Standards)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression
- 48950 Freedom of speech
- 48985 Translation of notices
- 49020-49023 Athletic programs
- 51500 Prohibited instruction or activity
- 51501 Prohibited means of instruction

60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

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

Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013

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

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

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

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

(3/12 4/13) 2/14

CSBA Sample

Administrative Regulation

Nondiscrimination/Harassment

AR 5145.3
Students

Note: The following mandated administrative regulation provides measures that may be implemented by a district to comply with state and federal law and regulations prohibiting, at school or in any school activity related to school attendance or under the authority of the district, discrimination, harassment, intimidation, and bullying against students based on actual or perceived characteristics, as specified in the accompanying Board policy.

Note: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including receiving and investigating complaints alleging noncompliance or discrimination, harassment, intimidation, or bullying. During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. This individual may be the same person designated in the district's uniform complaint procedures to ensure compliance with specified programs and to receive complaints; see AR 1312.3 - Uniform Complaint Procedures. In addition, districts may designate more than one person to receive complaints (e.g., one person at each school).

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying and to answer inquiries regarding the district's nondiscrimination policies: (Education Code 234.1; 5 CCR 4621)

Superintendent

(position title)

3901 North Mesa School Road, Sonoma

(address)

(805) 485-1411

(telephone number)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

To prevent discrimination, harassment, intimidation, and bullying of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

***Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S.

Department of Education's Office for Civil Rights identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. Item #1 below is optional and may be modified to reflect district practice.***

1. Provide to employees, volunteers, and parents/guardians training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, harassment, intimidation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy and of the opportunity to inform the Coordinator whenever a student's participation in a sex-segregated school program or activity together with another student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the Coordinator shall meet with the student and/or parent/guardian to determine how best to accommodate the student.

(cf. 5145.6 - Parental Notifications)

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, the CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms. The following paragraph may be revised to specify the means by which the district posts its nondiscrimination policies.

4. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

5. When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms

for use in the complaint process into that other language. (Education Code 234.1, 48985)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)

Note: Item #7 below is optional and should be revised to reflect district practice. In some situations, the district may need to provide individualized accommodation to a student to protect him/her from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate accommodation(s) to protect students' privacy rights and ensure their safety from threatened or potentially harassing, intimidating, or discriminatory behavior.

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on specified actual or perceived characteristics. Such a process, which is required to be consistent with the uniform complaint procedures specified in 5 CCR 4600-4687, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985.

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall immediately report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Transgender and Gender-Nonconforming Students

***Note: The following section may be modified to reflect district practice. Pursuant to Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013), a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on his/her

educational records. However, an attempt is currently in progress to qualify a referendum on AB 1266 for the November 2014 ballot. Even as the eventual outcome is unknown as of this writing, the following guidelines are designed to implement other existing state and federal laws that prohibit discrimination, harassment, intimidation, and bullying against students based on their real or perceived gender identity and/or gender expression regardless of whether or not the referendum attempt is successful. The guidelines address certain issues and circumstances that may arise in relation to the needs of transgender and gender-nonconforming students and are by no means exhaustive. Consequently, each instance or situation should be addressed on a case-by-case basis to ensure that the safety, privacy, and other concerns of all students involved are appropriately addressed. For more information on the rights of transgender students, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Interim Guidance Regarding Transgender Students, Privacy, and Facilities. Districts should consult legal counsel about applicable standards for determining a student's gender identity.***

Gender identity means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

Note: Timelines included in items #1-2 below may be modified to reflect district practice.

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the Coordinator for Nondiscrimination. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to law or district policy, and shall inform the student that it may be impossible to accommodate the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the Coordinator, the employee shall do so within three school days.

As appropriate, the Coordinator shall discuss with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The Coordinator shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Coordinator shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. **Addressing a Student's Transition Needs:** The Coordinator shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Coordinator shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it.

4. **Accessibility to Sex-segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. However, a student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the

district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

CSBA Sample

Board Policy

Married/Pregnant/Parenting Students

cta

BP 5146
Students

***Note: The following optional policy may be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) redirected funding for the California School Age Families Education (Cal-SAFE) program (Education Code 54740-54749) into the local control funding formula, thereby eliminating program requirements for Cal-SAFE. ***

The Governing Board recognizes that early marriage, pregnancy, or parenting may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

- (cf. 5113.1 - Chronic Absence and Truancy)
- (cf. 5147 - Dropout Prevention)
- (cf. 5149 - At-Risk Students)
- (cf. 6011 - Academic Standards)
- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.11 - Alternative Credits Toward Graduation)
- (cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
- (cf. 6164.5 - Student Success Teams)

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 20 USC 1681-1688)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 5127 - Graduation Ceremonies and Activities)

***Note: Pursuant to 34 CFR 106.40, the district cannot require a student to take a course or participate in special programs or schools for pregnant and parenting students; student participation must be voluntary and such programs or schools must be comparable to programs and schools offered to other students. 5 CCR 4950 requires "equal" educational programs, activities, and courses. ***

***Note: According to the U.S. Department of Education (USDOE) pamphlet Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, an alternative program need not offer identical courses to the regular school program in order to be considered "comparable." However, the program cannot provide

only vocational courses with no opportunity for advanced academic or college preparatory courses. USDOE recommends that districts provide clear information about what courses are available, how credits are transferred between the regular program and alternative program, and how the student can meet graduation requirements. ***

Any education program or activity, including any class or extracurricular activity, that is offered separately to such students shall be comparable to that offered to other district students. A student's participation in such programs shall be voluntary. (34 CFR 106.40)

(cf. 6142.7 - Physical Education and Activity)
(cf. 6145 - Extracurricular and Cocurricular Activities)

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

***Note: Pursuant to Family Code 7002, a married student under the age of 18 years is an emancipated minor and therefore has the same rights as a student who is an adult. Examples of such rights include, but are not limited to, the right to provide verification of his/her absences (see AR 5113 - Absences and Excuses), obtain absolute access to his/her student records (see AR 5125 - Student Records), and accept employment without a work permit (see AR 5113.2 - Work Permits). ***

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

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 participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)

Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)

(cf. 6200 - Adult Education)

***Note: The following optional paragraphs may be revised to reflect district practice. According to the USDOE pamphlet Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, when necessary to ensure a pregnant student's access to the educational program, the district must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. Examples in the USDOE pamphlet include providing a larger desk, allowing frequent trips to the restroom, or permitting temporary access to elevators as necessary. The school also must provide any services to pregnant students that it provides to other students with temporary medical conditions, such as at-home instruction or tutoring for students who miss school because of such medical conditions. The USDOE publication lists additional programs and strategies that, although not required by federal law, may assist in addressing the needs of pregnant and parenting students. ***

When necessary, the district shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program. A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.

(cf. 6183 - Home and Hospital Instruction)

***Note: The following optional paragraph is for use by districts that require any student with a physical or emotional condition requiring a physician's care to provide the physician's certification that the student is able to participate in an educational program or extracurricular activity. Pursuant to 34 CFR 106.40, a physician's certification cannot be required for participation of a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery unless the district imposes the same requirement on students with other medical conditions or "temporary disabilities." Thus, the district cannot require a pregnant student to provide a physician's note to participate in physical education classes unless required of all students with temporary medical conditions, but a pregnant student who cannot accomplish the requirements of the regular physical education curriculum may be offered an alternative physical education curriculum. ***

A student may be required, based on her pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that she is physically and emotionally able to participate in an educational program or activity, if other students with physical or emotional conditions or temporary disabilities are required by the district to provide such certification. (34 CFR 106.40)

***Note: Items #1-7 below are optional and may be revised to reflect district practice. ***

To the extent feasible, educational and related support services shall be provided, either through the district 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:

***Note: Although AB 97 (Ch. 47, Statutes of 2013) eliminated the Cal-SAFE program which required participating districts to provide child care and development services on or near the school site for the children of parenting students, the district may choose to offer such services as an incentive to encourage the school attendance of parenting students as provided in item #1 below. Child care and development services are subject to applicable sections of Education Code 8200-8498 and the health and safety requirements of 22 CCR 101151-101239.2 and 101351-101439.1; see BP/AR 5148 - Child Care and Development. ***

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-sponsored activities

(cf. 1020 - Youth Services)

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

(cf. 5148 - Child Care and Development)

2. Parenting education and life skills instruction

***Note: The federal Women, Infants, and Children grant program (42 USC 1786; 7 CFR 246.1-246.28) provides funding that may be used for special school nutrition supplements for low-income pregnant and lactating students as provided in item #3 below; see the U.S. Department of Agriculture's web site. Education Code 49553 specifies nutritional standards for these special school nutrition supplements. ***

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

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

(cf. 5030 - Student Wellness)

4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

***Note: Health and Safety Code 104460 requires districts receiving Tobacco-Use Prevention Education funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students; see AR 5131.62 - Tobacco. ***

5. Tobacco, alcohol, and/or drug prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

6. Academic and personal counseling

(cf. 6164.2 - Guidance/Counseling Services)

6. 7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

(cf. 6179 - Supplemental Instruction)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

***Note: The California Supreme Court (American Academy of Pediatrics et al v. Lungren et al) has clarified that students do not need parent/guardian consent before receiving confidential medical services. The Attorney General reached the same conclusion in 87 Ops.Cal.Atty.Gen. 168 (2004). See BP 5113 - Absences and Excuses. ***

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by her physician. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began. (34 CFR 106.40)

(cf. 5112.3 - Student Leave of Absence)

A pregnant or parenting student also may request exemption from attendance because of a related physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)

(cf. 5112.1 - Exemptions from Attendance)

Legal Reference:

EDUCATION CODE

230 Sex discrimination

8200-8498 Child Care and Development Services Act

48205 Excused absences

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

49553 Nutrition supplements for pregnant/lactating students
51220.5 Parenting skills and education
51745 Independent study
52610.5 Enrollment of pregnant and parenting students in adult education
54740-54749 Cal-SAFE program for pregnant/parenting students and their children
FAMILY CODE
7002 Description of emancipated minor
HEALTH AND SAFETY CODE
104460 Tobacco prevention services for pregnant and parenting students
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4950 Nondiscrimination, marital and parental status
CODE OF REGULATIONS, TITLE 22
101151-101239.2 General licensing requirements for child care centers
101351-101439.1 Infant care centers
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, Education Act Amendments
UNITED STATES CODE, TITLE 42
1786 Special supplemental nutrition program for women, infants, and children
CODE OF FEDERAL REGULATIONS, TITLE 7
246.1-246.28 Special supplemental nutrition program for women, infants, and children
CODE OF FEDERAL REGULATIONS, TITLE 34
106.40 Marital or parental status
ATTORNEY GENERAL OPINIONS
87 Ops.Cal.Atty.Gen. 168 (2004)
COURT DECISIONS
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS
Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements
The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
California Women's Law Center: <http://www.cwlc.org>
U.S. Department of Agriculture, Women, Infants, and Children Program:
<http://www.fns.usda.gov/wic>
U.S. Department of Education: <http://www.ed.gov>

CSBA Sample

Administrative Regulation

Athletic Competition

AR 6145.2
Instruction

Nondiscrimination and Equivalent Opportunities in the Athletic Program

Note: The following section reflects pertinent provisions of federal and state law regarding nondiscrimination (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965). The Office of Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or any other basis specified in law. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

Note: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, districts should consult legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

***Note: Pursuant to Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013), a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. It should be noted that an attempt is currently in progress to qualify a referendum on AB 1266 for the November 2014 ballot. Even as the eventual outcome is unknown as of this writing, the following paragraph is designed to implement other existing state and federal laws that prohibit discrimination against students based on their real or perceived gender identity and/or gender expression. In addition, the California Interscholastic Federation's (CIF) updated bylaws and Guidelines for Gender Identity Participation contain

procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Districts should consult legal counsel about applicable standards for determining a student's gender identity.***

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records.

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

Note: 5 CCR 4922 and 34 CFR 106.41, as reflected in items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. The CIF's A Guide to Equity in Athletics provides suggested actions that districts can take for each of the factors to help the district meet its equivalence goals. Any district with questions about equivalent athletic opportunities for its students should consult legal counsel.

When determining whether equivalent opportunities are available to both sexes in athletic programs, the Superintendent or designee shall consider, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by the OCR for helping to determine equivalent opportunities under Title IX.

The athletic program shall be considered to effectively accommodate the interests and abilities of both sexes if it meets one of the following criteria: (Education Code 230)

Note: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

a. The interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.

b. When the members of one sex have been and are underrepresented among interscholastic athletes, the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex.

Health and Safety

Note: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention, available on CIF's web site, or other resources to develop the information sheet.

Note: The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475) ✓

(cf. 5145.6 - Parental Notifications)

Note: Education Code 49475 requires that an athlete at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not allowed to return until a health care provider provides written clearance. CIF's web site includes an Acute Concussion Evaluation form which may be used to provide injured students with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. (Education Code 49475)

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

The Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury suffered by the student and any actions taken to treat the student.

Note: Education Code 35179.1 encourages the establishment of a California High School Coaching Education and Training Program for coaches' training including, but not limited to, CPR and a basic understanding of the signs and symptoms of concussions and appropriate response to them. CIF makes a free, online course available through its web site.

The Superintendent or designee shall provide training to coaches, athletic trainers, and/or school nurses regarding concussion symptoms, prevention, and appropriate response.

Note: The OCR issued a letter in April 2010 withdrawing its earlier guidance which relied on a single survey instrument to demonstrate that an institution is accommodating student interests and abilities in compliance with item #c below. Although OCR's letter applies to intercollegiate athletic programs, the OCR's web site clarifies that the general principles also apply to interscholastic and intramural programs at elementary and secondary schools.

Note: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport, the OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. Thus, a student survey is one of multiple indicators that may be used. The OCR letter provides information that the district might consider in developing its own survey. In addition, CIF's A Guide to Equity in Athletics provides sample surveys.

c. When the members of one sex are currently underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #b above, the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances
5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms and practice and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

11. Provision of necessary funds

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Parental Notifications

Note: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with the California Department of Education (CDE).

Note: The following optional section lists notices that the district may send to parents/guardians of students participating in interscholastic athletics. This section should be revised to reflect district practice.

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 270-271 require CDE to post on its web site an "Athletes' Bill of Rights," a list of student rights based on Title IX.

2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance his/her skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when he/she intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

Note: The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

Note: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion if he/she engages, or attempts to engage, in hazing.

6. States the Governing Board's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

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

7. Includes a copy of the local California Interscholastic Federation (CIF) league rules

Note: As required by Education Code 49033, CIF bylaws require any student participating in athletics and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition. See BP/AR/E 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

CSBA Sample

Administrative Regulation

Behavioral Interventions For Special Education Students

AR 6159.4

Instruction

***Note: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), for students with disabilities who are exhibiting serious behavioral challenges, timely assessments and positive interventions and supports should be developed and implemented in accordance with the federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations (20 USC 1400-1482; 34 CFR 300.1-300.818). ***

***The following optional administrative regulation is based on guidance from the Office of Special Education Programs (OSEP) of the U.S. Department of Education. ***

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of his/her disability.

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

***Note: In efforts to ensure consistency with federal law, Education Code 56523, as amended by AB 86 (Ch. 48, Statutes of 2013), in effect, has repealed 5 CCR 3001 and deleted the requirement for a "behavioral intervention plan" (BIP) when a student with a disability exhibits a "serious behavioral problem" that significantly interferes with the implementation of the goals and objectives of his/her individualized education program. Instead, pursuant to Education Code 56521.2, as added by AB 86, a district is required to address any student behavior that impedes the student's own learning or the learning of other students. ***

However, when the behavior of a student with a disability impedes his/her learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)

Functional Behavioral Assessment

***Note: According to OSEP, because a functional behavioral assessment (FBA) is normally conducted to determine whether a student is, or continues to be, a student with a disability and/or the nature and the extent of special education and related services needed by that student, it is an evaluation for the purposes of the IDEA. Thus, an FBA is subject to requirements such as prior notice and parental consent and the sharing of the result of the assessment with the student's parents/guardians. For the required contents and format of the notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education. ***

Prior to providing any behavioral intervention service to a student with a disability, an FBA focusing on identifying the function or purpose of the student's behavior shall be conducted by the student's IEP team.

Before any FBA is conducted, the Superintendent or designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

(cf. 6159 - Individualized Education Program)

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

If the parent/guardian disagrees with the result of an FBA, he/she has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

Behavioral Intervention Plan and Services

***Note: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), behavioral interventions, supports, and other strategies may be used only in a manner that conforms to the following paragraph. ***

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

***Note: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), BIPs for students in residential care must be developed and used in the manner specified below. ***

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner. (Education Code 56520)

***Note: 5 CCR 3065 specifies the qualifications of individuals who may provide behavioral intervention services. Education Code 56525 also authorizes anyone recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst to provide such services. ***

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3065.

Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

***Note: Education Code 56521.1, as added by AB 86 (Ch. 48, Statutes of 2013), prohibits the use of the methods specified in the following paragraph even for emergency interventions. For more information on prohibited interventions, see section below titled "Prohibited Interventions." ***

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information: (Education Code 56521.1)

1. The name and age of the student

2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic BIP
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP. (Education Code 56521.1)

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

Prohibited Interventions

***Note: Pursuant to Education Code 56521.2, as added by AB 86 (Ch. 48, Statutes of 2013), a district is prohibited from authorizing, ordering, consenting to, or paying for the following or other similar interventions. ***

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock
2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma
5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, except that

prone containment or similar techniques may be used by trained staff as a limited emergency intervention

6. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56525 Behavioral interventions

CODE OF REGULATIONS, TITLE 5

3065 Staff qualifications - related services

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

Behavior Analyst Certification Board: <http://www.calaba.org/bacb.shtm>

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

<http://www2.ed.gov/about/offices/list/osers/osep>

CSBA Sample

Board Policy

Weekend/Saturday Classes

BP 6176

Instruction

***Note: The following optional policy is for use by districts that choose to offer classes on Saturday and/or Sunday as authorized by Education Code 37223. ***

***Pursuant to Education Code 44824, a teacher cannot be assigned to work on a Saturday or Sunday if he/she objects in writing that the assignment would conflict with his/her religious beliefs or practices. In addition, Education Code 44824 provides that full-time teachers employed by the district prior to the implementation of weekend classes cannot be required to teach for more than 180 full days during a school year or for more than the number of full days that district schools were maintained during the year preceding implementation of weekend classes, whichever is greater. See AR 4113 - Assignment. ***

The Governing Board desires to increase educational opportunities outside the regular school week in order to meet student needs and promote academic achievement. When staffing, facilities, and other resources are available, the Board may approve the provision of classes on Saturday and/or Sunday that support and are integrated with other learning opportunities.

(cf. 4113 - Assignment)

(cf. 5148.2 - Before/After School Programs)

(cf. 6111 - School Calendar)

Any class offered on a Saturday or Sunday pursuant to Education Code 37223, except in regional occupational centers or programs (ROC/Ps), shall be one offered Monday through Friday during the regular school week. (Education Code 37223)

***Note: Education Code 37223 authorizes weekend classes of any of the types listed in items #1-4 below or other classes identified by the district. The following list should be revised or expanded to reflect those weekend classes approved by the Governing Board. ***

Weekend classes may include, but are not limited to:

1. Continuation classes (Education Code 37223)

(cf. 6184 - Continuation Education)

***Note: Pursuant to Education Code 37223, voluntary attendance in special weekend activities for mentally gifted minors (item #2 below) cannot be included in the district's average daily attendance computation. ***

2. Special day classes for mentally gifted minors (Education Code 37223)

(cf. 6172 - Gifted and Talented Student Program)

3. Makeup classes for unexcused absences occurring during the week (Education Code 37223)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 6154 - Homework/Makeup Work)

4. The programs of an ROC/P (Education Code 37223)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

***Note: Items #5-6 below are optional. Although Education Code 37252-37253 provide that specified supplemental instructional programs may be offered on Saturday, AB 97 (Ch. 47, Statutes of 2013) redirected the funding for those programs into the local control funding formula; see BP 6179 - Supplemental Instruction. In addition, AB 97 eliminated the Pupil Retention Block Grant (Education Code 41505-41506), which allowed funding to be used for the purposes of intensive reading or algebra programs, including Saturday programs. At its discretion, the district may continue to offer weekend classes for these purposes. ***

5. Supplemental instruction for students who need additional assistance to meet academic standards or requirements

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6179 - Supplemental Instruction)

6. Enrichment classes in core academic subjects

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

Except in ROC/Ps, weekend attendance shall not result in crediting any student with more than five days of attendance per week. (Education Code 37223)

Attendance at weekend classes offered pursuant to Education Code 37223 shall be voluntary, except that truants, as defined in Education Code 48260, may be required to attend classes on one day of a weekend in order to make up lost instructional time. (Education Code 37223)

***Note: Education Code 48205 specifies reasons that students must be excused from school, including observance of a holiday or ceremony of their religion. The reasons specified in

Education Code 48205 are also applicable during weekend classes. ***

A student shall be excused from a weekend class if such attendance would be in conflict with his/her religious beliefs. Such students shall be given priority for enrollment in any other available supplemental instruction offered at a time other than during the weekend.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

***Note: Education Code 49550 requires that districts provide at least one nutritionally adequate meal each school day (breakfast and/or lunch) for students who are eligible for free and reduced-price meals; see BP/AR 3553 - Free and Reduced-Price Meals. If the school participates in the National School Lunch or Breakfast Program, it must make meals available to all students in attendance. ***

***According to the California Department of Education's (CDE) Management Bulletin NSD-SNP-03-2013, this requirement extends to Saturday classes unless the district or school receives a waiver. The CDE will consider a waiver when any two of the following criteria exist: (1) serving meals during the Saturday session would result in a financial loss to the district equal to one-third of the food service's net cash resources; (2) the Saturday session at the school is less than four hours and is completed by noon allowing students to go home during the lunch period; (3) less than 10 percent of the needy students attending the Saturday session are at the school for more than three hours per day; and (4) the school does not have proper refrigeration facilities to enable meals to be prepared on Friday and served on Saturday. ***

Unless the requirement is waived by the California Department of Education, the district shall provide at least one nutritionally adequate meal during the weekend session in accordance with Education Code 49550.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3553 - Free and Reduced-Price Meals)
(cf. 5030 - Student Wellness)

Legal Reference:

EDUCATION CODE

37223 Weekend classes

37252-37253 Supplemental instruction

41505-41508 Pupil Retention Block Grant

41601 Reports of average daily attendance

42239 Summer school attendance computation

44824 Weekend classes, assignment of certificated employees

48070-48070.5 Promotion and retention, supplemental instruction

48205 Excused absence for personal reasons

48260 Truants, definition

49550 Meals for needy students

52060-52077 Local control and accountability plan

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Requesting a Summer School Meal Waiver and/or a Saturday School Meal Waiver, Nutrition Services Division Management Bulletin NSD-SNP-03-2013, February 2013

WEB SITES

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

(6/92 11/00) 12/13

CSBA Sample

Board Policy

Summer Learning Programs

BP 6177

Instruction

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

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

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

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

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

Summer School

***Note: Summer school programs may be funded through a variety of sources that include, but are not limited to, Title I funding (20 USC 6311-6322), After School Education and Safety Program supplemental funds (Education Code 8482-8484.6), and 21st Century Community Learning Center supplemental funds (Education Code 8484.7-8484.9; 20 USC 7171-7176). ***

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

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

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

***Note: The following paragraph is optional. Although Education Code 37252-37253 authorize specified supplemental instructional programs to be offered during summer, AB 97 (Ch. 47, Statutes of 2013) redirects the funding for those programs into the local control funding formula; see BP 6179 - Supplemental Instruction. In addition, AB 97 eliminated the Pupil Retention Block Grant (Education Code 41505-41506), which allowed funding to be used for intensive reading or algebra programs, including summer programs. At its discretion, the district may continue to offer summer classes for these purposes. ***

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

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

***Note: The following optional list establishes enrollment priorities for the provision of summer school instruction and may be revised to reflect district practice. Items #1-2 should be deleted by districts that do not maintain high schools. ***

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

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

(cf. 5147 - Dropout Prevention)
(cf. 6146.1 - High School Graduation Requirements)

2. Have not made sufficient progress toward passing the state exit examination required for high school graduation

(cf. 6162.52 - High School Exit Examination)

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

(cf. 5123 - Promotion/Acceleration/Retention)

4. Demonstrate academic deficiencies in core curriculum areas

(cf. 0460 - Local Control and Accountability Plan)

***Note: Optional item #5 establishes priority for summer school enrollment to at-risk student groups identified in the district's LCAP. Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the LCAP must include annual goals to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052, which may include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth if there are at least 30 students in the subgroup (or at least 15 foster youth) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education. ***

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

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

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

***Note: Although the determination of excused and unexcused absences is irrelevant for accounting purposes pursuant to Education Code 42238.8, verification of excused absences may still be relevant for purposes of awarding credit for summer school classes. The following optional paragraph should be modified to reflect district practice. ***

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

(cf. 5113 - Absences and Excuses)

(cf. 6154 - Homework/Makeup Work)

***Note: State funding is not available for transportation to summer school. To accommodate students and parents/guardians who need to provide their own transportation, some districts rotate the sites at which summer sessions are offered, as provided in the following optional paragraph. ***

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

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

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

Additional Summer Learning Opportunities

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

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

(cf. 1020 - Youth Services)

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

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

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

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

(cf. 1330.1 - Joint Use Agreements)

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

(cf. 3260 - Fees and Charges)

(cf. 5113.2 - Work Permits)

(cf. 6178.1 - Work-Based Learning)

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

(cf. 6020 - Parent Involvement)

5. Assigning summer vacation homework in core curricular subject(s) for extra credit
6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subjects
7. Arranging opportunities for community service

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

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

37252-37254.1 Supplemental instruction

39837 Transportation to summer employment programs

41505-41508 Pupil Retention Block Grant

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

42238.01-42238.07 Local control funding formula

42238.8 Revenue limit per unit of average daily attendance

48070-48070.5 Promotion and retention

51210 Areas of study for elementary schools

51220 Areas of study for grades 1-6

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

52060-52077 Local control and accountability plan

54444.3 Summer program for migrant students

56345 Extended-year program for special education students

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

58806 Summer school apportionments

60851 Supplemental instruction toward exit examination

CODE OF REGULATIONS, TITLE 5

3043 Extended school year, special education students

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students

7171-7176 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

Summer Learning and Wellness Resource Guide

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

NATIONAL SUMMER LEARNING ASSOCIATION PUBLICATIONS

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

New Vision for Summer School, 2010

RAND CORPORATION PUBLICATIONS

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

WEB SITES

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

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

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

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

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

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

(7/05 4/13) 12/13

CSBA Sample

Board Policy

Supplemental Instruction

BP 6179
Instruction

The Governing Board recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5148.2 - Before/After School Programs)
(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

Supplemental instruction shall be offered to:

***Note: Item #1 below is for use by districts that receive federal Title I funding. 20 USC 6316 requires that eligible students from low-income families be provided supplemental educational services (e.g., tutoring and other supplemental academic enrichment services) if their Title I school is identified for program improvement for two or more years based on failure to make "adequate yearly progress." Parents/guardians select these services from a list of providers with a demonstrated record of effectiveness. See BP/AR 0520.2 - Title I Program Improvement Schools for details regarding these services. ***

***In addition, if the district is identified for program improvement pursuant to 20 USC 6316, the district must revise its local educational agency plan to incorporate, as appropriate, student

learning activities before school, after school, during the summer, and during any extension of the school year. See AR 0520.3 - Title I Program Improvement Districts. ***

1. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

***Note: Education Code 48070.5 mandates that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. Although categorical program funding for supplemental instruction for students who have been retained or recommended for retention (Education Code 37252.2) and for students in grades 2-6 who have been identified as being at risk of retention (Education Code 37252.8) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013), the requirement to provide remedial instruction to such students was not eliminated. Districts may design supplemental instructional programs for these purposes in a manner that meets district and student needs, provided they comply with Education Code 48070.5. ***

2. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

***Note: Item #3 below is for use by districts that maintain any of grades 7-12. Education Code 60851 requires districts to provide supplemental instruction to students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the California High School Exit Examination. Although categorical program funding for such instruction (Education Code 37252) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013), the requirement to provide supplemental instruction for this purpose was not eliminated. Districts may design supplemental instructional programs in a manner that meets district and student needs, provided they comply with Education Code 60851. However, Education Code 60851 clarifies that districts are not required to provide supplemental services using resources that are not regularly available to a school or district. ***

3. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation (Education Code 60851)

(cf. 6162.52 - High School Exit Examination)

***Note: Pursuant to Education Code 60851, in determining eligibility for supplemental instruction based on students' lack of "sufficient progress" toward passing the state exit exam, districts must use either (1) the results of state assessments and the minimum levels of proficiency recommended by the State Board of Education (Option 1 below) or (2) students'

grades and other indicators of academic achievement designated by the district (Option 2 below). Districts selecting Option 2 should specify the other indicators that will be used in the blanks provided. ***

***Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), beginning in the 2013-14 school year, the state assessment system will transition from the Standardized Testing and Reporting program to the California Assessment of Student Performance and Progress; see BP/AR 6162.51 - State Academic Achievement Tests. Thus, districts selecting Option 1 below should consider the availability and appropriateness of state assessments for the purpose of determining students' progress toward passing the exit exam. ***

OPTION 1: "Sufficient progress" shall be determined based on a student's results on state assessments administered pursuant to Education Code 60640-60649 and the minimum levels of proficiency recommended by the State Board of Education.

(cf. 6162.51 - State Academic Achievement Tests)

~~OPTION 2:~~ "Sufficient progress" shall be determined based on a student's grades and the following indicators of academic achievement:

Formative assessment results and teacher-made assessment results.

(cf. 5121 - Grades/Evaluation of Student Achievement)

***Note: The following paragraph is for use by districts that selected either Option 1 or 2 above. ***

The curriculum of the supplemental instructional program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

***Note: Items #1-4 below are optional. Although Education Code 37252.8-37254 provide for supplemental instructional programs for students in grades 2-6 having academic deficiencies in mathematics or English language arts, K-12 students seeking enrichment in core academic subjects, and students failing to pass the high school exit exam by the end of grade 12, AB 97 (Ch. 47, Statutes of 2013) redirected the funding for those categorical programs into the local control funding formula. In addition, AB 97 redirected funding for the Pupil Retention Block Grant (Education Code 41505-41506), which allowed funding to be used for the purposes of intensive reading or algebra programs, into the local control funding formula. At its discretion, the district may continue to offer supplemental instruction for these or other purposes in accordance with the goals and strategies identified in its local control and accountability plan (LCAP); see BP/AR 0460 - Local Control and Accountability Plan. ***

In addition, contingent on the district budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Based on state assessment results, grades, or other indicators, demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic standards
2. Have ~~not~~ passed one or both parts of the high school exit exam by the end of grade 12

***Note: Optional item #3 below provides that supplemental instruction may be offered to students in targeted at-risk student groups identified in the district's LCAP. Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the LCAP must include annual goals to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052, which may include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth if there are at least 30 students in the subgroup (or at least 15 foster youth) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education. ***

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

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
(cf. 3553 - Free and Reduced-Price Meals)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)

3. ~~4.~~ Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6143 - Courses of Study)
(cf. 6172 - Gifted and Talented Student Program)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 - Youth Services)

When determined to be necessary by the principal or designee, a student may be required to participate in a supplemental instruction. In such cases, written parent/guardian consent shall be obtained for the student's participation.

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

37252-37254.1 Supplemental instruction, summer school

41505-41508 Pupil Retention Block Grant

42238.01-42238.07 Local control funding formula

46100 Length of school day

48070-48070.5 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-51212 Courses of study, elementary schools

51220-51228 Courses of study, secondary schools

52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

60850-60859 High school exit examination

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools and districts

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, January 14, 2009

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

(3/07 11/07) 12/13

CSBA Sample

Board Policy

General Obligation Bonds

BP 7214
Facilities

***Note: Article 16, Section 18 of the California Constitution permits school districts to issue bonds for the construction of school facilities with either a 66.67 percent or 55 percent approval by local voters. To qualify for the lower 55 percent (Proposition 39) threshold, districts must use the bond funds for certain purposes and fulfill additional accountability requirements, as specified in this Board policy and accompanying administrative regulation. ***

***Note: Education Code 15100 sets forth conditions under which the Governing Board may call for a bond election. Pursuant to Education Code 15266, these conditions must be satisfied if the Board is seeking either the 66.67 percent or 55 percent approval threshold. The following paragraph is consistent with Education Code 15100. ***

***Note: In 88 Ops.Cal.Atty.Gen. 46 (2005), the Attorney General opined that a school district may use district funds to hire a consultant to assess the feasibility of developing a bond measure and to assess the public's support and opposition. However, according to the Attorney General, a district may not use district funds to hire a consultant to develop and implement a strategy to build a coalition to support the bond because such activities would be an impermissible use of public funds for campaign purposes in violation of Education Code 7054. For further discussion regarding use of district funds for political purposes, see BP 1160 - Political Processes. ***

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

(cf. 1160 - Political Processes)
(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)

***Note: For bonds requiring a 55 percent majority, Education Code 15268 and 15270 set limits as to the maximum amount of the bond and the tax rate that may be levied as a result of the bond. Limitations for bonds requiring a 66.67 percent majority are detailed in Education Code 15102-15109. ***

The Board shall determine the appropriate amount of the bonds in accordance with law.

When any project to be funded by bonds will require state matching funds for any phase of the

project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Bonds Requiring 55 Percent Approval by Local Voters

***Note: Pursuant to Education Code 15266, upon adoption of the resolution specified below, the district must comply with the accountability provisions required for the 55 percent threshold, even if the bond ultimately passes by a 66.67 percent majority of the voters. ***

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

(cf. 9323.2 - Actions by the Board)

***Note: Education Code 15266 requires that the bond election be held only during a regularly scheduled local election at which all of the electors (voters) in the district are entitled to vote. Therefore, those school districts whose boundaries encompass more than one city or county or whose board members are elected by trustee area must ensure that the bond election is on a ballot in which all of the electors in the district are entitled to vote, such as a statewide primary, general, or special election. ***

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities
3. The refunding of any outstanding debt issuance used for the purposes specified in items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and

administrative salaries and other school operating expenses

2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 6151 - Class Size)

***Note: The question of whether or not bond proceeds may be used to pay the costs of the audits required pursuant to items #3-4 below should be referred to the district's legal counsel. However, an Attorney General opinion (87 Ops Cal. Atty. Gen. 157 (2004)) supports the use of bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on bond projects. According to the opinion, because these audits are expressly required by Proposition 39 and are directly related to the bond projects rather than routine school operations, these project administration costs may be considered as within the purposes specified in California Constitution Article 13A, Section 1(b)(3)(A) and therefore are an appropriate expenditure of bond proceeds. ***

***Note: The performance audit described in item #3 may include an evaluation of the planning, financing, and implementation of the overall facilities program. ***

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed

4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

***Note: If the district has a general obligation bond approved under the 55 percent threshold, Education Code 15278 requires that the Board appoint a citizens' oversight committee. See the accompanying administrative regulation for requirements related to the composition and duties of the committee. ***

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9324 - Minutes and Recordings)

***Note: Pursuant to Education Code 15286, as amended by SB 581 (Ch. 91, Statutes of 2013), the district is required to ensure that performance and financial audits specified in items #3-4 above are issued in accordance with law and provided to the citizens' oversight committee as specified in the following paragraph. ***

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

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

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

Bonds Requiring 66.67 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

***Note: Pursuant to Education Code 15101, an election for a bond measure that requires 66.67 percent approval may be held only on specified days. Districts using this option should coordinate efforts with their local elections officials to ensure compliance with law. ***

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs

4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

***Note: The following paragraph is optional. Districts that have had approval of a bond with 66.67 percent majority vote are not required by law to appoint a citizens' oversight committee but may, at their discretion, form an oversight committee under requirements and guidelines adopted by the Board. ***

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

***Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Elections Code 15372, following a bond election, the county elections official must submit a certificate of the election results to the Board, which then must provide certification to the County Board of Supervisors, as specified below. ***

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolutions Regarding Sale of Bonds

***Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Education Code 15140, bonds may be offered for sale by either the County Board of Supervisors or the County Superintendent of Schools. However, the County Board of Supervisors may adopt a resolution authorizing a district to sell bonds on its own behalf when the district has not received a qualified or negative certification in its most recent interim financial report; see BP/AR 3460 - Financial Reports and Accountability. ***

***Note: In addition to districts' authority to issue bonds pursuant to Education Code 15100-15254, Government Code 53506-53509.5 provide an alternative method. However, effective January 1, 2014, any district that intends to issue bonds using this alternative method is subject to stricter requirements, pursuant to Government Code 53508.5, as added by AB 182 (Ch. 477, Statutes of 2013). Districts using the alternative method may need to further modify this policy and accompanying administrative regulation and should consult with legal counsel as necessary. ***

***Note: Regardless of the method used to issue bonds, pursuant to Education Code 15144.1 and 15144.2, as added by AB 182, the district's total debt service to principal ratio must not exceed four to one and, if the bond allows for the compounding of interest, such as a capital appreciation bond (CAB), and matures more than 10 years after its issuance date, the bond must be redeemable by the district no later than 10 years from issuance. Pursuant to Government Code 53508.6, as added by AB 182, a current interest bond (CIB) may now have a maturity of up to 40 years provided that the district complies with the disclosure requirements specified in Education Code 15146, as amended by AB 182, and makes a finding that the useful life of the facility to be financed with the bonds is at least equal to the maturity date of the bonds. ***

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

***Note: To ensure prudence in the expenditure of district resources, the Board should carefully consider all available funding instruments, such as CIBs, CABs, and convertible capital appreciation bonds, how the bonds will be sold, and other related issues as specified in Education Code 15146. Districts considering the method of bond sale and kinds of bonds to sell are encouraged to review CSBA's Governance Brief Bond Sales - Questions and Considerations for Districts. ***

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall disclose, as an agenda item at a public meeting, either in the bond issuance resolution or a separate resolution, available funding instruments, the costs

and suitability of each, and all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

***Note: Pursuant to Education Code 15146, as amended by AB 182 (Ch. 477, Statutes of 2013), the district must comply with the requirements specified in the following two paragraphs if it intends to sell bonds that allow for compounding of interest, including, but not limited to, CABs. ***

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), items #1-4 above and the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds shall be included in the resolution to be adopted by the Board. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest
2. A comparison to the overall cost of current interest bonds
3. The reason bonds that allow for the compounding of interest are being recommended
4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission.

(Education Code 15146; Government Code 53509.5)

Bond Anticipation Notes

***Note: Pursuant to Education Code 15150, the district is authorized to issue a bond anticipation note when the Board determines by resolution that it is in the best interest of the district to finance a facilities project on an interim basis in anticipation of the sale of bonds that has been approved by voters. The note may only be issued in accordance with law and subject to terms and conditions prescribed by the Board. ***

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

***Note: Education Code 15150 clarifies that interest on a bond anticipation note may be paid at maturity from the proceeds of the sale of the bond in anticipation of which it was issued or paid periodically from a property tax levied for that purpose if certain conditions are satisfied. ***

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

Legal Reference:

EDUCATION CODE

7054 Use of district property, campaign purposes

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

47614 Charter school facilities

ELECTIONS CODE

324 General election

328 Local election
341 Primary election
348 Regular election
356 Special election
357 Statewide election
1302 School district election
15372 Elections official certificate
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
1125-1129 Incompatible activities
8855 California Debt and Investment Advisory Commission
53506-53509.5 General obligation bonds
53580-53595.5 Bonds
54952 Definition of legislative body, Brown Act

CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation
Article 16, Section 18 Debt limit

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 46 (2005)
87 Ops.Cal.Atty.Gen. 157 (2004)

Management Resources:

CSBA PUBLICATIONS

Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012
Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

WEB SITES

CSBA: <http://www.csba.org>
California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>
California Department of Education: <http://www.cde.ca.gov>
California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

CSBA Sample

Administrative Regulation

General Obligation Bonds

AR 7214
Facilities

Election Notice

***Note: Notice and ballot requirements for bond elections are specified in Education Code 15120-15126. Additional requirements for bond measures with a 55 percent (Proposition 39) threshold are contained in Education Code 15272. ***

Whenever the Governing Board orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable.

Citizens' Oversight Committee

***Note: The following optional section is for use by districts that have appointed an independent citizens' oversight committee, as required by Education Code 15278 for districts that have had a general obligation bond approved under the 55 percent threshold. The section may also be adapted for use by districts that have had approval of a bond with 66.67 percent majority vote that choose to appoint an oversight committee at their discretion; see the accompanying Board policy. ***

If a bond is approved under the 55 percent majority threshold pursuant to Proposition 39 (Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a district student
5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

(cf. 9270 - Conflict of Interest)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee may serve for no more than three consecutive terms of two years each. They shall serve without compensation. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) and (D) of the California Constitution

(cf. 3460 - Financial Reports and Accountability)

2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution
3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district
4. Reviewing efforts by the district to maximize bond revenues by implementing

cost-saving measures, including, but not limited to, the following:

- a. Mechanisms designed to reduce the costs of professional fees
- b. Mechanisms designed to reduce the costs of site preparation
- c. Recommendations regarding the joint use of core facilities

(cf. 1330.1 - Joint Use Agreements)

- d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
- e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

(cf. 7110 - Facilities Master Plan)

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions.
(Education Code 15280)

***Note: Pursuant to Government Code 54952, open meeting laws (the Brown Act) apply to any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory.

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

(cf. 9320 - Meetings and Notices)

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

Reports

***Note: The following section applies to all bond elections. ***

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following

information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

(3/12 11/12) 12/13