

Mesa Union School District

Agenda for the Board Meeting of the Board of Trustees to be held on Tuesday, October 15, 2013, 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
Mrs. Susan Nemets, President	_____	_____
Mr. Steven Sullivan, Vice President	_____	_____
Mrs. Judith Thielemann, Board Clerk	_____	_____
Mr. Rick Murray, Trustee	_____	_____
Mr. Noel Camanag, 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 it relates to 2013-2014 staffing authorized by Government Code §54957
- B. Negotiations as it relates to MUTA and MUST authorized by Government Code §3549.1

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 September 17, 2013, 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

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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

8. SUPERINTENDENT AND PRINCIPAL'S REPORTS:

Superintendent:

- A. Year IV Program Improvement
- B. LCAP
- C. Professional Learning
- D. Migrant Speech and Spelling

9. BOARD MEMBERS' REPORTS AND COMMUNICATIONS:

- A. Correspondence
- B. Board members' reports and communications
- C. Board members' interests and concerns

10. DISCUSSION:

11. 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 11A 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 11B IN THE PACKET

C. Statement of Revenues and Expenditures (August 2013)

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

PLEASE SEE AGENDA ITEM 11C 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 11D IN THE PACKET

E. Student of the Month Listing

It is the recommendation of the district administration that the Student of the Month listing be accepted as presented.

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PLEASE SEE AGENDA ITEM 11E IN THE PACKET

F. Golden Valley Charter School Statement of Revenue and Expenditures

It is the recommendation of the district administration that the Statement of Revenue and Expenditures from the Golden Valley Charter School be approved as presented.

PLEASE SEE AGENDA ITEM 11F IN THE PACKET

12. ACTION/DISCUSSION ITEMS:

Public Hearing:

A. Presentation of Initial Proposal of the Mesa Union Teachers' Association (MUTA) to the Mesa Union School District for the 2013-2014 school year Negotiations; and Public Comment

In accordance with Government Code section 3547, all initial bargaining proposals of an exclusive bargaining representative shall be presented at a public meeting of a public school employer. The initial bargaining proposal of the Mesa Union Teachers' Association was first made public at the September 17, 2013 meeting of the Board of Trustees and is hereby returned to this agenda for public discussion.

CLOSED PUBLIC HEARING: Time: _____

Public Hearing:

B. Presentation of Initial Proposal of Mesa Union School District to the Mesa Union Teachers' Association (MUTA) for the 2013-2014 school year Negotiations; and Public Comment.

In accordance with Government Code section 3547, all initial bargaining proposals of a public school employer shall be presented at a public meeting of the public `176school employer. The initial bargaining proposal of the Mesa Union School District to the Mesa Union Teachers' Association(MUTA) was first made public at the September 17, 2013 meeting of the Board of Trustees and is hereby returned to this agenda for public discussion.

CLOSED PUBLIC HEARING: Time: _____

C. Discuss and Acknowledge Receipt of the Initial Proposal of the Mesa Union Teachers' Association (MUTA) to the Mesa Union School District for the 2013-2014 school year for Negotiations.

In accordance with Government Code section 3547, discuss and acknowledge receipt by the Board of the initial proposal of the Mesa Union Teachers' Association (MUTA) to the Mesa Union School District for the 2013-2014 school year.

PLEASE SEE AGENDA ITEM 12C IN THE PACKET

D. Discuss and Adopt the Initial Proposal of the Mesa Union School District to the Mesa Union Teachers' Association (MUTA) for the 2013-2014 school year Negotiations.

In accordance with Government Code section 3547, discuss and adopt the initial proposal of the Mesa Union School District to the Mesa Union Teachers' Association (MUSTA) for the 2013-2014 school year for Negotiations.

PLEASE SEE AGENDA ITEM 12D IN THE PACKET

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- E. Consideration of adoption of Resolution # 13-14-04 Use of the Northern End of Property.

It is the recommendation of the district administration that the Board of Trustees adopt Resolution# 13-14-04 Use of the Northern End of Property.

PLEASE SEE AGENDA ITEM 12E IN THE PACKET

- F. Consideration of adoption of Resolution #13-14-05 In Recognition of National Red Ribbon Week October 23-October 31, 2013.

It is the recommendation of the district administration that the Board of Trustees adopt Resolution #13-14-05 In Recognition of National Red Ribbon Week, October 23-31, 2013

PLEASE SEE AGENDA ITEM 12F IN THE PACKET

- G. Consideration of approval of the service agreement with the Gervitz Graduate School of Education for the services of providing Mesa Union School District with South Coast Writing Project (SCWriP) teacher training.

It is the recommendation of the district administration that the Board of Trustees approve the service agreement with the Gervitz Graduate School Education for providing Mesa Union School District with South Coast Writing Project (SCWriP) teacher training.

PLEASE SEE AGENDA ITEM 12G IN THE PACKET

- H. Consideration of approval of the District of Choice procedures and application for the 2014-2015 school year as presented or amended.

It is the recommendation of the district administration that the Board of Trustees approve the District of Choice procedures and application for the 2014-2015 school year as presented or amended.

PLEASE SEE AGENDA ITEM 12H IN THE PACKET

- I. Consideration of the adoption of the Common Core State Standards Spending Plan.

It is the recommendation of the district administration that the Board of Trustees adopt the Common Core Spending Plan as provided or amended.

PLEASE SEE AGENDA ITEM 12I IN THE PACKET

- J. 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 Williams Quarterly Report. There were no complaints for the quarter ending September 2013.

PLEASE SEE AGENDA ITEM 12J IN THE PACKET

- K. Consideration of adoption of the updated board policies as presented or amended.

It is the recommendation of the district administration that the Board of Trustees adopt the updated board policies in sections 2000-3000.

PLEASE SEE AGENDA ITEM 12K IN THE PACKET

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- L.** First Reading for policy revisions in sections 0000-3000.

It is the recommendation of the district administration that the Board of Trustees review the policies in sections 0000-3000. These policies will be placed on the November 2013 agenda for adoption.

PLEASE SEE AGENDA ITEM 12L IN THE PACKET

- M.** First Reading for policy revisions in section 4000.

It is the recommendation of the district administration that the Board of Trustees review the policies in section 4000. These policies will be placed on the November 2013 agenda for adoption.

PLEASE SEE AGENDA ITEM 12M IN THE PACKET

- N.** First Reading for policy revisions in section 5000.

It is the recommendation of the district administration that the Board of Trustees review the policies in section 5000. These policies will be placed on the November 2013 agenda for adoption.

PLEASE SEE AGENDA ITEM 12N IN THE PACKET

13. PERSONNEL:

- A.** Consideration of approval of the Revised Student Supervisor job description. Salary placement to be Range R2-002 of the Classified Salary Schedule.

It is the recommendation of the district administration that the Board of Trustees approve the revised Student Supervisor job description.

PLEASE SEE AGENDA ITEM 13A IN THE PACKET

- B.** Consideration of approval of hiring a temporary Student Supervisor for 2 to 3 hour per day.

It is the recommendation of the district that the Board of Trustees approve the hiring of a temporary Student Supervisor for 2 to 3 hours per day.

14. ITEMS FOR FUTURE CONSIDERATION

- A.** Summer Facility Use

- B.** Discuss and Adopt the Initial Proposal of the Mesa Union School District to the Mesa Union Support Team for the 2013-2014 school year Negotiations.

15. FUTURE MEETINGS

- A.** November 19, 6:00 p.m.

16. ADJOURNMENT:

Time: _____

In accordance with requirement 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.

Call to order	<p>The September 17, 2013, Regular Meeting of the Board of Trustees of the Mesa Union School District was called to order by President Nemets at 6: 04 p.m. in the Multi-purpose Room.</p>
Roll Call	<p>Board members present were Susan Nemets, Rick Murray, Steven Sullivan and Noel Camanag.</p> <p>Judith Thielemann was absent.</p> <p>Administration present were Dr. Babb, superintendent, Ryan Howatt, principal, Erica Magdaleno, executive assistant, and Cindy Hansen, chief business officer.</p>
Agenda	<p>The agenda was adopted by common consent.</p>
Public Comment on Closed Session	<p>At 6: 05p.m., President Nemets asked for public comment on closed session items. Hearing none, she announced that the Board was going into closed session to discuss personnel as it relates to the 2013-2014 school year, and negotiations as it relates to MUST and MUTA.</p>
Reconvene to Open Session	<p>At 6:15 p.m., the Board of Trustees returned to open session. President Nemets reported that the Board of Trustees had just returned from closed session where personnel as it relates to the 2013-2014 school year, and negotiations as it relates to MUST and MUTA were discussed. No action was taken.</p> <p>Trustee Thielemann arrived at 6:20 p.m.</p> <p>Trustee Nemets announced that the Board would be taking a short break.</p> <p>At 6:30 p.m., the Board reconvened.</p>
Official Opening Pledge	<p>President Nemets led the Pledge of Allegiance.</p>
Minutes	<p>On motion of Trustee Murray, seconded by Trustee Thielemann, the minutes of the Regular Board Meeting of August 20, 2013, were approved as amended.</p> <p>Dr. Babb introduced Alina Poberezhskiy, school psychologist. Mr. Howatt introduced Terri Alkire, 6th grade teacher.</p> <p>Board of Trustees introduced themselves to Mrs. Poberezhskiy and Mrs. Alkire.</p>
Superintendent's Report	<p>Superintendent's Report:</p> <p>A. AYP/API: Dr. Babb presented a Power Point presentation of the API/AYP data for the past 10 years. API goals for the 2012-2013 school year were met. Over time the staff will strive to close the achievement gap between low-income, Latino and other students. Dr. Babb also demonstrated a gap between Latino students who are low-income and those who are not. AYP/API presentation was also presented to teachers at the August 23 professional learning day. Information will be used to characterize score patterns.</p> <p>B. Student Assessment: Dr. Babb shared an update regarding student assessments. What standardized test will students be taking in the spring? STAR or Smarter Balanced? This question came up at the August 23 pre-service meeting with teachers. Two weeks ago the CDE said in a press release that schools will have the option of not administering STAR so schools can focus on Smarter Balanced. Besides the political disagreement, between state and federal government there are logistical questions about tech capacity to test all 3-8 students in the lab/MPR in a short period of time. Administrators met with VCOE tech leadership on Friday. They agree that Mesa has the capacity and that if we choose to test kids on Smarter Balanced VCOE will have techs on site to support.</p>

Trustee Sullivan inquired on what percent of schools will be using the Smarter Balanced Assessment versus the CST's. Dr. Babb shared while he did not have a percentage, that the topic was discussed at the County Superintendents' meeting and again at the Oxnard feeder district meeting. Most districts are waiting for the Governor's signature on AB484. AB 484 will suspend STAR in favor of Smarter Balanced Tech assessments.

- C. Hardship/Facilities Appeal:** Dr. Babb shared that he met over the summer with Joel Kirshenstein of Sage and representatives of the Office of Public School Construction regarding district appeal of OPSC's denial of excessive hardship funding related to the last bond project. Staff at OPSC told Dr. Babb that they almost certainly would not support our appeal. There was no way to get beyond full and final. However, OPSC staff proposed an alternate way for the district to get some of the funding requested. The project was funded 50/50 because it was slated as a new project. Switching to a 60/40 project and removing the cost of the land acquired would allow the district to recoup \$50,000. That entailed taking the application as submitted, adding no changes, removing purchase of land and recalculating total at 60% instead of 50%. Mr. Kirshenstein still is optimistic that the County of Ventura will assume some of the costs of the traffic light. He is pursuing this.
- D. Technology Update:** Dr. Babb shared update regarding technology services. It has been a rough beginning of the year. There have been two server failures, teacher and student devices not working and there has been a decrease in technology support personnel. VCOE tech support staff is short staffed, causing a back log on service ticket request. VCOE is looking at addressing back log on Saturday to catch up.
- E. District of Choice:** Dr. Babb recommended using the same timeline, procedures, and application for the 2014-2015 school year, District of Choice option. Dr. Babb will be reviewing the current enrollment and make a recommendation for the number of spaces that will be made available for District of Choice.

Principals Report:

- A. Student Engagement-** Student expectations have changed. Teachers are being asked to encourage more student engagement. It allows the students the opportunity to interact and communicate. Mr. Howatt shared that he would be observing classrooms for student engagement and use on teacher evaluations.
- B. Datawise Update-** Mr. Howatt met with Cathy Reznicek to review Common Core testlets. The blue prints will help teachers and students prepare. Mr. Howatt shared blue prints with the board.

Trustee Thielemann requested clarification: will rough drafts be used for test, or will all work be completed on computers?

Trustee Sullivan inquired if tests are going to be timed.

Trustee Nemets inquired if tests are going to be aligned to the curriculum.

Principal's Report

- C. Junior High Schedule Update-**Mr. Howatt shared his observations from the new junior high schedule. He observed students interacting, sharing ideas, comparing text, debating, and writing responses. During the 11:45am-12:20 time slot, GATE students are meeting for GATE, ELD students are meeting with Mrs. Dwork and Mrs. Grogan for ELD support. The new schedule is providing students with the opportunity for student progress. Exploratory is going well. Mrs. Alkire is having students research on laptops.

Trustee Nemets expressed her concern about the incentive recess. Recess is not being offered to all

students. Trustee Thielemann suggested having the recess time be used for other projects such as GATE project or science fair projects.

Correspondence:

Trustee Thielemann shared correspondence regarding parent concerns regarding Exploratory. Many parents are unsure about what Exploratory is. Communication should have been sent out to Junior high parents.

Trustee Thielemann shared a concern about PE uniforms. Per the board policy PE uniforms are not a requirement. Students are only required to be dressed appropriately. Parent would like to use the purchase as a donation. Cindy Hansen will clarify with auditors which amount can be used for tax purposes.

Trustee Nemets shared her experience from the Ronald Regan Library trip, and inquired why students were not able to stay longer. Mr. Howatt clarified that the field trip was only to see a particular exhibit. Students who do not go the Washington D. C. usually go to the library during that time. Trustee Thielemann shared that it would be beneficial for all students to return and see the rest of the library.

Trustee Thielemann shared concerns from parents regarding last year's yearbook. Many parents were very disappointed that there was no yearbook. Trustee Thielemann had volunteered to start a yearbook committee. Students will meet during lunch and maybe during exploratory.

Board Members' Reports and Communications

- A. Board members' reports and communications
- B. Board members' interests and concerns

Trustee Sullivan and Trustee Thielemann shared their concerns about parking. There are still cars parking in the loop that are being left unattended. Mr. Howatt will continue to communicate concern on Mesa Matters and monitor the parking lot on a regular basis.

Trustee Sullivan expressed concern about the junior high gates being locked. In case of emergency students do not have open access. Dr. Babb shared that he has been looking at bids to change the gates to push out gates.

Consent Agenda

Consent Agenda:

The Consent Agenda items 11A-11C and 11E were approved by common consent. Item 11D Student Enrollment was pulled for discussion.

Trustee Nemets requested clarification regarding the Transitional Kindergarten enrollment. Mr. Howatt clarified that two students had left the program.

Trustee Sullivan requested clarification regarding the high enrollment in math classes for junior high. Mr. Howatt clarified the changes that have impacted enrollment.

Dr. Babb also shared that moving forward the K-3 enrollment will be decreasing to 24 to 1 to meet Class Size Reduction requirements.

On motion of Trustee Sullivan, seconded by Trustee Thielemann, and carried with a 5-0-0 vote, consent agenda item 11D Student Enrollment was approved.

Purchase Orders \$1,087,655.35
Checks totaling \$198,783.02
Enrollment 652

Action/Discussion:	Action/Discussion:
Public Hearing	<p>President Nemets opened the Public Hearing at 8:17 p.m., for the purpose of taking public input on the sufficiency of textbooks. There was no comment.</p> <p>President Nemets closed the Public Hearing at 8:19 p.m.</p>
Resolution #13-14-03	<p>On motion of Trustee Sullivan, seconded by Trustee Camanag, and carried with a 5-0-0 vote, Resolution #13-14-03 Regarding the Sufficiency of Textbooks was adopted.</p>
Field Trip Request	<p>On motion of Trustee Thielemann, seconded by Trustee Murray, and carried with a 5-0-0 vote, the 8th grade field trip request to the Museum of Tolerance on March 5, 2014, was approved.</p>
Revised Goals and Objectives	<p>On motion of Trustee Thielemann, seconded by Trustee Murray, and carried with a 5-0-0 vote, the revised district goals and objectives reflecting public input from the regular board meeting of August 20, 2013 were adopted as presented.</p>
Student Agreement with CSUCI	<p>On motion of Trustee Thielemann, seconded by Trustee Murray, and carried with a 5-0-0 vote, the student teacher agreement with California State University, Channel Islands for the duration of July 1, 2013 through June 30, 2016 was approved.</p>
Board Policies 1st	<p>The Board of Trustees was provided with Board Policies for first review to be brought for approval at the October 2013 Board meeting.</p>
Board Policy Adoption	<p>On motion of Trustee Murray, seconded by Trustee Thielemann, and carried with a 5-0-0 vote, the Board of Trustees adopted the policy updates as presented and amended.</p>
	<p>Trustee Sullivan expressed concerns regarding the charter school audit and management.</p>
	<p>Trustee Nemets suggested posting the uniform complaint process in central location along with other mandated postings.</p>
	<p>Trustee Sullivan requested clarification of dress out policy for junior high. He is concerned that students' grades will be affected if they are not wearing the PE uniform that can be purchased at school. Trustee Sullivan suggested clarifying policy with Mr. Rosen to ensure it is being followed correctly.</p>
	<p>Trustees Sullivan expressed concern about bus transportation policy. Currently there are some buses that do not have seat belts. Trustee Murray clarified that school buses are exempt. Dr. Babb will communicate with bus drivers to enforce seat belt regulations for the buses that do have seat belts.</p>
	<p>Board of Trustees agreed to pull board policy AR 3541 Transportation Routes and Services for further review. Policy will be brought back to the October 2013 board meeting for first read.</p>
MUTA Sunshine Proposal	<p>On motion of Trustee Murray, seconded by Trustee Sullivan and carried with a 5-0-0 vote, the initial proposal of the Mesa Union Teacher's Association to the Mesa Union School District for the 2013-2014 school year was accepted.</p>
MUSD Sunshine Proposal	<p>On motion of Trustee Sullivan, seconded by Trustee Thielemann, and carried with a 5-0-0 vote, the initial proposal of the Mesa Union School District to the Mesa Union Teachers' Association for the 2013-2014 school year was received and reviewed.</p>

**Common Core
Standards
Spending Plan**

The Board of Trustees was provided with a proposal of the Common Core Standards Spending Plan. The plan will be adopted at the October 2013 Board Meeting.

Personnel

Personnel: No personnel items

Future Meetings

October 15, 2013, at 6:00 p.m.

Adjournment

There being no further items Trustee Nemets adjourned the Regular Board Meeting at 8:48 p.m.

Includes 09/01/2013 - 09/30/2013				Board Meeting Date 10/15/2013	
PO Number	Vendor Name	Order Location	Object Description	Resource Description	Account Amount
B0314-00062	CCJ SPORTING GOODS	MESA UNION	Mat'ls/Sup	Unrestrict	1,000.00
				LotteryIM	2,500.00
B0314-00063	GRAINGER	MESA UNION	Mat'ls/Sup	Unrestrict	600.00
B0314-00064	PEACH HILL SOILS	MESA UNION	Mat'ls/Sup	Unrestrict	500.00
B0314-00065	VTA CNTY SCHOOL BOARDS ASSN	MESA UNION	Dues/Memb	Unrestrict	150.00
B0314-00066	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Sub Agrmnt	SpecialEd	100,031.00
			Prof Svc	SpecialEd	25,000.00
P0314-00050	PERSONNEL CONCEPTS	MESA UNION	Mat'ls/Sup	Unrestrict	27.40
P0314-00051	UC REGENTS	MESA UNION	STAFF DEV	Unrestrict	120.00
P0314-00052	POSITIVE PROMOTIONS, INC	MESA UNION	Mat'ls/Sup	Unrestrict	467.34
P0314-00053	HOUGHTON MIFFLIN CO	MESA UNION	Textbooks	LotteryIM	1,849.86
P0314-00054	CALIF SCHOOL BOARDS ASSN	MESA UNION	STAFF DEV	GVCS	2,770.00
P0314-00055	VTA CNTY OFFICE OF EDUCATION	MESA UNION	STAFF DEV	Unrestrict	100.00
P0314-00056	KATHY GRECO	MESA UNION	Legal	Unrestrict	1,800.00
P0314-00057	GREEN THUMB INTL, INC	MESA UNION	NonCapEqui	OngoMaint	504.17
P0314-00058	JOHN DEERE LANDSCAPES	MESA UNION	Mat'ls/Sup	Unrestrict	212.47
P0314-00059	ALL-PHASE ELECTRIC SUPPLY CO	MESA UNION	Mat'ls/Sup	Unrestrict	344.52
P0314-00060	ACADEMIC THERAPY PUBLICATIONS	MESA UNION	Mat'ls/Sup	SpecialEd	390.25
P0314-00061	PEARSON EDUCATION	MESA UNION	Mat'ls/Sup	SpecialEd	1,105.53
P0314-00062	WESTERN PSYCHOLOGICAL SERVICES	MESA UNION	Mat'ls/Sup	SpecialEd	1,969.40
P0314-00063	PACIFICOM	MESA UNION	RntRprNCap	Unrestrict	117.00
P0314-00064	VTA CNTY OFFICE OF EDUCATION	MESA UNION	EmployFees	Unrestrict	47.00
P0314-00065	VTA CNTY OFFICE OF EDUCATION	MESA UNION	Mat'ls/Sup	Unrestrict	66.99
Total Number of POs			21	Total	141,672.93

Fund Summary

Fund	Description	PO Count	Amount
010	General Fund	21	141,672.93

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 09/01/2013 - 09/30/2013 Board Meeting Date 10/15/2013

PO Changes

	<u>New PO Amount</u>	<u>Fund/ Object</u>	<u>Description</u>	<u>Change Amount</u>
B0313-00072	18,000.00	010-5801	General Fund/Audit	13,500.00
B0314-00036	5,000.00	010-4300	General Fund/Mat'ls/Sup	1,876.54
Total PO Changes				15,376.54

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

Checks Dated 09/01/2013 through 09/30/2013				Board Meeting Date 10/15/2013	
Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
5003806496	09/04/2013	Michael Babb	010-4300		204.40
5003806497	09/04/2013	JONES SCHOOL SUPPLY	010-4300	112.50	
			Unpaid Sales Tax	7.50-	105.00
5003806498	09/04/2013	REVOLVING ACCOUNT	010-4300		330.46
5003806499	09/04/2013	SYSCO VENTURA	130-4300	22.01	
			130-4700	1,906.83	1,928.84
5003806500	09/04/2013	BRODART CO.	010-4300		158.09
5003806501	09/04/2013	CCJ SPORTING GOODS	010-4300		2,247.41
5003806502	09/04/2013	DIAL SECURITY	010-5800		57.88
5003806503	09/04/2013	PERIMETER SECURITY SYSTEMS	010-5600		150.00
5003806504	09/04/2013	McGRAW-HILL EDUCATION LLC	010-4300		287.19
5003806505	09/04/2013	PEACH HILL SOILS	010-4300		209.62
5003806506	09/04/2013	GOLDEN VALLEY CHARTER SCHOOL	010-8096		113,706.12
5003806507	09/05/2013	ALTA DENA DAIRY	130-4700		377.66
5003806508	09/05/2013	POOLE OIL COMPANY	010-4310		1,002.94
5003806509	09/05/2013	SYSCO VENTURA	130-4300	73.91	
			130-4700	785.03	858.94
5003806510	09/05/2013	TARANGO'S DIESEL REPAIR	010-4300	1,358.95	
			010-5600	1,327.50	2,686.45
5003806511	09/05/2013	UNDERWOOD FAMILY FARMS	130-4700		104.76
5003806512	09/09/2013	GREEN THUMB INTL, INC	010-4300		49.18
5003806513	09/09/2013	TARANGO'S DIESEL REPAIR	010-4300	1,451.19	
			010-5600	415.95	1,867.14
5003806514	09/10/2013	TOMAS BAUTISTA	010-5600		3,082.50
5003806515	09/10/2013	HOUGHTON MIFFLIN HARCOURT	010-4300		66.88
5003806516	09/10/2013	SELF-INSURED SCHOOLS OF CALIF	010-9534		43,536.75
5003806517	09/10/2013	VIRCO INC	010-4300		208.12
5003806518	09/12/2013	Irene G. Ramirez	010-5903		22.07
5003806519	09/12/2013	Ryan M. Howatt	010-4300		36.92
5003806520	09/12/2013	ANIMAL & INSECT PEST MGMT INC	010-5506		199.00
5003806521	09/12/2013	ASSN OF CALIF SCHOOL ADMIN	010-5300		807.91
5003806522	09/12/2013	COASTAL PIPCO	010-4300		14.09
5003806523	09/12/2013	COAST TO COAST COMPUTER PROD	010-4300		2,083.92
5003806524	09/12/2013	FEDEX FREIGHT	010-5903		43.36
5003806525	09/12/2013	GRAINGER	010-4300		231.20
5003806526	09/12/2013	HOME DEPOT CREDIT SERVICES	010-4300	714.72	
			010-5600	105.75	820.47
5003806527	09/12/2013	MISSION LINEN SUPPLY	130-5600		62.84
5003806528	09/12/2013	SOUTHWEST SCHOOL & OFFICE SPLY	010-4300		623.46
5003806529	09/12/2013	VCOE-GRAPHIC SERVICES	010-4300		1,281.09
5003806530	09/12/2013	VERIZON WIRELESS	010-5902		760.20
5003806531	09/12/2013	VERIZON WIRELESS	010-5901		220.90
5003806532	09/12/2013	VICENTI, LLOYD & STUTZMAN LLP	010-5801		4,500.00
5003806533	09/12/2013	VIRCO INC	010-4300		94.56
5003806534	09/16/2013	Joann Dwork	010-4100	119.94	
			010-4300	323.05	442.99
5003806535	09/16/2013	KATHY GRECO	010-5899		1,800.00

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

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Checks Dated 09/01/2013 through 09/30/2013				Board Meeting Date 10/15/2013	
Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
5003806536	09/16/2013	GREEN THUMB INTL, INC	010-4300	172.00	
			010-4400	504.17	676.17
5003806537	09/16/2013	REVOLVING ACCOUNT	010-5800		17.99
5003806538	09/17/2013	K/P CORPORATION	010-4300		135.13
5003806539	09/17/2013	POOLE OIL COMPANY	010-4310		987.66
5003806540	09/19/2013	Irene G. Ramirez	010-4300		37.75
5003806541	09/19/2013	Alina Dreyzina	010-5804		57.00
5003806542	09/19/2013	HOBSON REFRIGERATION	130-5600		113.00
5003806543	09/19/2013	RICOH USA, INC	010-5600		2,894.19
5003806544	09/19/2013	PEACH HILL SOILS	010-4300		56.43
5003806545	09/19/2013	PERSONNEL CONCEPTS	010-4300		27.40
5003806546	09/19/2013	SOUTHWEST SCHOOL & OFFICE SPLY	010-4300		272.50
5003806547	09/19/2013	SPARKLETTS	010-5504		39.00
5003806548	09/19/2013	SYSCO VENTURA	130-4300	301.67	
			130-4700	686.04	987.71
5003806549	09/19/2013	VTA CNTY OFFICE OF EDUCATION	010-5220		280.00
5003806550	09/19/2013	VTA CNTY SCHOOL BOARDS ASSN	010-5300		150.00
5003806551	09/23/2013	REVOLVING ACCOUNT	010-5903		192.04
5003806552	09/25/2013	POSITIVE PROMOTIONS, INC	010-4300	467.34	
			Unpaid Sales Tax	29.70-	437.64
5003806553	09/25/2013	VTA CNTY OFFICE OF EDUCATION	010-5100	8,220.93	
			010-9510	116,809.99	125,030.92
5003806554	09/26/2013	Deborah A. Dunn	010-5220		145.00
5003806555	09/26/2013	ATKINSON,ANDELSON,LOYA, et al	010-5899		1,141.88
5003806556	09/26/2013	BARON INDUSTRIES	010-4300		50.18
5003806557	09/26/2013	E.J. HARRISON & SONS, INC	010-5505		441.38
5003806558	09/26/2013	GOPHER	010-4300		226.29
5003806559	09/26/2013	HOME DEPOT CREDIT SERVICES	010-4300		39.46
5003806560	09/26/2013	MISSION LINEN SUPPLY	130-5600		62.84
5003806561	09/26/2013	OFFICEMAX, INC	010-4300		165.76
5003806562	09/26/2013	OFFICE DEPOT CREDIT PLAN	010-4300		266.96
5003806563	09/26/2013	PACIFICOM	010-5600		117.00
5003806564	09/26/2013	RICOH USA, INC	010-4300		50.20
5003806565	09/26/2013	SHERWIN-WILLIAMS CO	010-4300		176.15
5003806566	09/26/2013	SOUTHWEST SCHOOL & OFFICE SPLY	010-4300		36.54
5003806567	09/26/2013	SYSCO VENTURA	130-4300	215.13	
			130-4700	1,251.85	1,466.98
5003806568	09/26/2013	TAX DEFERRED SERVICES	010-9539		6,500.00
5003806569	09/26/2013	TRAFFIC TECHNOLOGIES LLC	010-4300		145.15
5003806570	09/26/2013	VENTURA LAMINATING INC	010-4300		282.81
5003806571	09/26/2013	VTA CNTY OFFICE OF EDUCATION	010-5804		47.00
			Total Number of Checks	76	331,025.42

Fund Summary

Fund	Description	Check Count	Expensed Amount
010	General Fund	67	325,099.05

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 09/01/2013 through 09/30/2013

Board Meeting Date 10/15/2013

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	5,963.57
	Total Number of Checks	76	331,062.62
	Less Unpaid Sales Tax Liability		37.20-
	Net (Check Amount)		331,025.42

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
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Fund 010 - General Fund **Fiscal Year 2013/14 Through October 2013**

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Revenue Limit Sources						
8011		1,665,227.00	1,665,227.00	444,988.00	1,220,239.00	26.72
8012	Education Protection Act	639,468.00	639,468.00	143,202.00	496,266.00	22.39
8021	Homeowners' Exemption	18,079.00	18,079.00		18,079.00	
8041	Secured Rolls Tax	1,929,623.00	1,929,623.00		1,929,623.00	
8042	Unsecured Roll Taxes	70,074.00	70,074.00		70,074.00	
8043	Prior Years' Taxes	7,817.00	7,817.00	4,322.36	3,494.64	55.29
8044	Supplemental Taxes	25,124.00	25,124.00	7,163.52	17,960.48	28.51
8045	Education Rev Augmentation Fd	120,466.00	120,466.00	29.26	120,495.26	-0.02
8092	PERS Reduction Transfer	4,624.00	4,624.00		4,624.00	
8096	Charter School Trans In Lieu P	1,021,029.00	1,021,029.00	246,363.26	774,665.74	24.13
	Total Revenue Limit Sources	3,218,541.00	3,218,541.00	353,341.88	2,865,199.12	10.98
Federal Revenue						
8181	Special Education Entitlement	104,141.00	104,141.00		104,141.00	
8182	Special Education Discretionary	2,393.00	2,393.00		2,393.00	
8285	Interagency Contracts Between	21,900.00	21,900.00		21,900.00	
8290	All Other Federal Revenue	87,285.00	87,933.00	17,979.19	69,953.81	20.45
	Total Federal Revenue	215,719.00	216,367.00	17,979.19	198,387.81	8.31
Other State Revenues						
8311	Other State Apportionments Cu	130,566.00	130,566.00		130,566.00	
8434	Class Size Reduction K-3	179,928.00	179,928.00	82,253.00	97,675.00	45.71
8550	Mandated Cost Reimbursements	29,892.00	29,892.00		29,892.00	
8560	State Lottery Revenue	102,337.00	102,337.00	29,654.83	72,682.17	28.98
8590	All Other State Revenues	160,254.00	292,854.00	70,128.00	222,726.00	23.95
	Total Other State Revenues	602,977.00	735,577.00	182,035.83	553,541.17	24.75
Other Local Revenue						
8660	Interest	5,000.00	5,000.00		5,000.00	
8675	Transportation Fees from Indiv	29,000.00	29,000.00		29,000.00	
8677	Interagency Services Between L	69,946.00	69,946.00		69,946.00	
8699	All Other Local Revenue	48,360.00	47,869.00	244.64	47,624.36	0.51
8792	Transfers of Apportionments Fr	257,126.00	257,126.00	48,287.00	208,839.00	18.78
	Total Other Local Revenue	409,432.00	408,941.00	48,531.64	360,409.36	11.87
	Total Year To Date Revenues	4,446,669.00	4,579,426.00	601,888.54	3,977,537.46	13.14

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 0, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)							

Fund 010 - General Fund **Fiscal Year 2013/14 Through October 2013**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Certificated Salaries							
1100	Teachers' Salaries	1,855,995.00	1,855,995.00	1,518,209.01	343,697.28	5,911.29-	18.52
1110	Substitute Teacher	17,955.00	17,955.00			17,955.00	
1130	Stipend	500.00	500.00			500.00	
1140	Extra Duty	20,143.00	20,143.00		201.25	19,941.75	1.00
1200	Certificated Pupil Support Sal				1,702.50	1,702.50-	NO BDGT
1300	Cert Supervisors & Administrat	2,800.00	2,800.00			2,800.00	
1301	Superintendent	133,560.00	133,560.00	99,990.00	33,330.00	240.00	24.96
1303	Principal	92,020.00	92,020.00	69,015.06	23,005.02	1.08-	25.00
1900	Other Certificated Salaries	2,375.00	2,375.00			2,375.00	
	Total Certificated Salaries	2,125,348.00	2,125,348.00	1,687,214.07	401,936.05	36,197.88	18.91
Classified Salaries							
2100	Instructional Aides' Salaries	118,552.00	118,552.00	66,198.42	8,420.73	43,932.85	7.10
2110	Substitute Aide	1,343.00	1,343.00		40.44	1,302.56	3.01
2150	Instructional Aide Overtime				214.70	214.70-	NO BDGT
2200	Classified Support Salaries	287,556.00	287,556.00	223,597.89	52,719.42	11,238.69	18.33
2216	Substitute Bus Driver	427.00	427.00			427.00	
2250	Classified Support Overtime				1,548.68	1,548.68-	NO BDGT
2400	Clerical and Office Salaries	126,459.00	126,459.00	89,657.73	29,005.37	7,795.90	22.94
2450	Clerical/Office Overtime	5,641.00	5,641.00		3,447.29	2,193.71	61.11
2900	Other Classified Salaries	29,459.00	29,459.00	33,414.30	3,712.70	7,668.00-	12.60
	Total Classified Salaries	569,437.00	569,437.00	412,868.34	99,109.33	57,459.33	17.40
Employee Benefits							
3101	STRS, certificated positions	175,521.00	175,521.00	139,343.40	33,209.19	2,968.41	18.92
3202	PERS, classified positions	55,990.00	55,990.00	45,003.15	10,821.25	165.60	19.33
3301	OASDI/Medicare/Alternative, ce	28,583.00	28,583.00	22,403.88	5,488.10	691.02	19.20
3302	OASDI/Medicare/Alternative, cl	42,038.00	42,038.00	29,774.16	7,335.14	4,928.70	17.45
3401	Health & Welfare Benefits, cer	269,024.00	269,024.00	248,211.45	27,579.05	6,766.50-	10.25
3402	Health & Welfare Benefits, cla	104,058.00	104,058.00	93,335.13	10,370.57	352.30	9.97
3501	SUI, certificated positions	1,019.00	1,019.00	799.95	195.67	23.38	19.20
3502	SUI, classified positions	274.00	274.00	194.58	47.93	31.49	17.49
3601	Work Comp Ins, certificated po	63,338.00	63,338.00	50,974.65	12,148.55	214.80	19.18
3602	Work Comp Ins, classified posi	16,952.00	16,952.00	12,460.50	3,114.62	1,376.88	18.37
3802	PERS Reduction, classified pos	4,624.00	4,624.00			4,624.00	
	Total Employee Benefits	761,421.00	761,421.00	642,500.85	110,310.07	8,610.08	14.49
Books and Supplies							

Selection Grouped by Account Type - Sorted by Org, Fund, Object, Filtered by (Org = 603, Starting Period = 1, Ending Account Period = 0, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)

Fund 010 - General Fund		Fiscal Year 2013/14 Through October 2013					
Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail (continued)							
Books and Supplies (continued)							
4100	Textbooks	11,647.00	14,147.00	1,849.86	12,056.13	241.01	85.22
4300	Materials and Supplies	148,977.00	149,387.00	48,839.64	34,883.96	65,663.40	23.35
4310	Bus Fuel	24,639.00	24,639.00	19,098.91	2,947.87	2,592.22	11.96
4319	Supplies Undesignated	33,155.00	161,920.00			161,920.00	
4400	Non-Capitalized Equipment	27,400.00	29,521.00	620.59	504.17	28,396.24	1.71
	Total Books and Supplies	245,818.00	379,614.00	70,409.00	50,392.13	258,812.87	13.27
Services and Other Operating Expenditures							
5100	Sub Agreements for Prof Servic	120,305.00	108,253.00	100,031.00	8,220.93	1.07	7.59
5200	Travel and Conferences	1,285.00	1,285.00			1,285.00	
5201	Car Allowance	2,380.00	2,380.00	1,800.00	600.00	20.00	25.21
5220	STAFF DEVELOPMENT	14,917.00	17,917.00	6,597.06	1,334.95	9,984.99	7.45
5300	Dues and Memberships	8,160.00	8,660.00		4,164.91	4,495.09	48.09
5450	Other Insurance	26,286.00	26,286.00		26,285.09	.91	100.00
5501	Natural Gas	6,135.00	6,135.00	5,320.58	255.43	558.99	4.16
5502	Electricity	67,010.00	67,010.00	53,823.46	12,176.54	1,010.00	18.17
5504	Water	9,815.00	9,815.00	8,578.00	370.87	866.13	3.78
5505	Rubbish	6,095.00	6,095.00	4,675.86	1,324.14	95.00	21.73
5506	Pest Control	1,950.00	1,950.00	1,751.00	199.00		10.21
5600	Rentals,Leases,Repairs & Nonca	110,768.00	110,768.00	53,379.08	27,229.33	30,159.59	24.58
5750	Direct Costs for Interfund Ser				80.32	80.32	NO BDGT
5800	Professnl/Consult Serv & Opera	199,123.00	195,123.00	46,483.20	15,361.35	133,278.45	7.87
5801	Audit	18,250.00	18,250.00	9,000.00	4,500.00	4,750.00	24.66
5803	Business Services Authority	112,382.00	112,382.00	74,921.00	37,461.00		33.33
5804	Employment Fees	1,397.00	1,397.00	125.00	476.00	796.00	34.07
5819	Holding	22,315.00	22,315.00		210.68	22,104.32	0.94
5899	Legal Services	33,500.00	33,520.00	23,913.67	2,795.30	6,811.03	8.34
5901	Phone Services	5,200.00	5,200.00	2,750.94	619.06	1,830.00	11.91
5902	Internet Services	14,560.00	14,560.00	5,860.60	1,635.20	7,064.20	11.23
5903	Postage	2,300.00	2,300.00	5.39	982.93	1,311.68	42.74
	Total Services and Other Operating Expenditures	784,133.00	771,601.00	399,015.84	146,122.39	226,462.77	18.94
Tuition							
7141	Other Tuition/Excess Costs to	73,695.00	43,695.00			43,695.00	
7142	Other Tuition/Excess Costs to	62,291.00	62,291.00			62,291.00	
	Total Tuition	135,986.00	105,986.00	.00	.00	105,986.00	

Fund 010 - General Fund

Fiscal Year 2013/14 Through October 2013

Total Year To Date Expenditures	4,622,143.00	4,713,407.00	3,212,008.10	807,869.97	693,528.93	17.14
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Fund 010 - General Fund		Fiscal Year 2013/14 Through October 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	639,754.60	245,912.05	885,666.65
9120	Cash in Bank(s)	100.00		100.00
9130	Revolving Cash Account	1,000.00		1,000.00
9135	Cash with a Fiscal Agent/Trust	14,684.21		14,684.21
9140	Cash Collections Awaiting Depo	1,411.20	1,411.20-	
9200	Accounts Receivable - Clear	327,919.52	131,785.81-	196,133.71
9201	Payroll Receivable	49.10	49.10-	
9290	Due From Other Governments	41,496.00	702,724.00-	661,228.00-
9291	Due From Other Governments-Set	631,676.00		631,676.00
9311	Due From Other Funds - SetUp	7,206.14		7,206.14
	Total Assets	1,665,296.77	590,058.06-	1,075,238.71
Liabilities				
9510	Prior Year Liability - Clear	387,405.19	324,655.19-	62,750.00
9530	Summer Pay Liability		14,237.74	14,237.74
9534	HW Benefits Liability	1,214.60-	76,937.09-	78,151.69-
9535	UI Liability	5.13	247.31	252.44
9537	Retiree Benefit Liability		3,916.80	3,916.80
9539	Misc Deduction Liability	104.73-		104.73-
9552	Use Tax Payable	282.20	238.03-	44.17
9651	Deferred Revenue-Setup	648.17	648.17-	
	Total Liabilities	387,021.36	384,076.63-	2,944.73
	Calculated Fund Balance	1,278,275.41	205,981.43-	1,072,293.98
Beginning Fund Balance				
9791	Beginning Fund Balance	1,278,275.41		1,278,275.41
	Beginning Fund Balance Proof	.00	205,981.43-	205,981.43-
Change in Fund Balance - Excess Revenues (Expenditures)			(205,981.43)	

Memo Only - Ending Fund Balance Accounts				
	Adopted	Revised		
Reserves				
9720	Reserve for Encumbrances		3,212,008.10	3,212,008.10
Restricted Balance				
9740	Legally Restricted Balance	63,711.00	134,558.00	
Other Designations				

Fund 010 - General Fund

Fiscal Year 2013/14 Through October 2013

Memo Only - Ending Fund Balance Accounts (continued)

		Adopted	Revised
Other Designations (continued)			
9780	Other Assignments	117,087.00	176,307.00
9789	Reserv Econ Uncertain	231,108.00	231,108.00
9790	Undesignated/Unappropriated	529,343.00	602,321.00
Total Other Designations		<u>.00</u>	<u>.00</u>

Fund 010 - General Fund		Fiscal Year 2013/14 Through October 2013				
Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	4,446,669.00	4,579,426.00		601,888.54	3,977,537.46	13.14
B. Expenditures	4,622,143.00	4,713,407.00	3,212,008.10	807,869.97	693,528.93	17.14
C. Subtotal (Revenue LESS Expense)	175,474.00-	133,981.00-		205,981.43-	3,284,008.53	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	175,474.00-	133,981.00-		205,981.43-	3,284,008.53	
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	1,144,294.00		1,072,293.98		
*Components of Ending Fund Balance						
Legally Restricted (9740)	63,711.00	134,558.00				
Other Designations (9780)	117,087.00	176,307.00				
Undesig/Unapprop (9790)	529,343.00	602,321.00				
Other	231,108.00	231,108.00		3,212,008.10		

Fund 130 - Cafeteria Fund **Fiscal Year 2013/14 Through October 2013**

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Federal Revenue						
8220	Child Nutrition Programs	96,633.00	96,633.00		96,633.00	
	Total Federal Revenue	96,633.00	96,633.00	.00	96,633.00	
Other State Revenues						
8520	Child Nutrition Programs	8,000.00	8,000.00		8,000.00	
	Total Other State Revenues	8,000.00	8,000.00	.00	8,000.00	
Other Local Revenue						
8634	Food Services Sales	59,200.00	59,200.00	3,270.47	55,929.53	5.52
8660	Interest	100.00	100.00		100.00	
	Total Other Local Revenue	59,300.00	59,300.00	3,270.47	56,029.53	5.52
	Total Year To Date Revenues	163,933.00	163,933.00	3,270.47	160,662.53	2.00

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Classified Salaries							
2200	Classified Support Salaries	41,656.00	41,656.00	35,634.87	3,959.43	2,061.70	9.51
2212	Substitute Cafeteria Worker	4,740.00	4,740.00			4,740.00	
2250	Classified Support Overtime	2,444.00	2,444.00		906.24	1,537.76	37.08
2400	Clerical and Office Salaries	17,509.00	17,509.00	13,423.50	2,983.00	1,102.50	17.04
	Total Classified Salaries	66,349.00	66,349.00	49,058.37	7,848.67	9,441.96	11.83
Employee Benefits							
3202	PERS, classified positions	7,214.00	7,214.00	5,613.21	898.03	702.76	12.45
3302	OASDI/Medicare/Alternative, cl	4,860.00	4,860.00	3,464.64	568.40	826.96	11.70
3402	Health & Welfare Benefits, cla	12,690.00	12,690.00	11,420.73	1,268.97	.30	10.00
3502	SUI, classified positions	31.00	31.00	22.59	3.71	4.70	11.97
3602	Work Comp Ins, classified posi	1,975.00	1,975.00	1,480.50	236.86	257.64	11.99
	Total Employee Benefits	26,770.00	26,770.00	22,001.67	2,975.97	1,792.36	11.12
Books and Supplies							
4300	Materials and Supplies	6,500.00	13,700.00	4,387.28	612.72	8,700.00	4.47
4400	Non-Capitalized Equipment	3,500.00	3,500.00			3,500.00	
4700	Food	73,500.00	64,000.00	56,440.64	5,259.36	2,300.00	8.22
	Total Books and Supplies	83,500.00	81,200.00	60,827.92	5,872.08	14,500.00	7.23
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 = 0, Stmt Option? = , Zero Amounts? = N, SACS? = N, Restricted? = Y)

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Fund 130 - Cafeteria Fund		Fiscal Year 2013/14 Through October 2013					
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	2,461.32	238.68	500.00	7.46
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	2,461.32	851.68	1,562.00	17.47
	Total Year To Date Expenditures	179,194.00	179,194.00	134,349.28	17,548.40	27,296.32	9.79

Fund 130 - Cafeteria Fund		Fiscal Year 2013/14 Through October 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	18,119.05	14,525.44	32,644.49
9120	Cash in Bank(s)	100.00		100.00
9140	Cash Collections Awaiting Depo	10,425.49	10,425.49-	
9200	Accounts Receivable - Clear	20,410.63	9,962.58-	10,448.05
9211	Accounts Receivable - Setup		10,425.49-	10,425.49-
9320	Stores	6,750.12		6,750.12
	Total Assets	55,805.29	16,288.12-	39,517.17
Liabilities				
9510	Prior Year Liability - Clear	1,636.34	1,636.34-	
9552	Use Tax Payable	373.85	373.85-	
9611	Due to Other Funds - SetUp	7,204.36		7,204.36
	Total Liabilities	9,214.55	2,010.19-	7,204.36
	Calculated Fund Balance	46,590.74	14,277.93-	32,312.81
Beginning Fund Balance				
9791	Beginning Fund Balance	46,590.74		46,590.74
	Beginning Fund Balance Proof	.00	14,277.93-	14,277.93-
Change in Fund Balance - Excess Revenues (Expenditures)			(14,277.93)	

Memo Only - Ending Fund Balance Accounts				
		Adopted	Revised	
Reserves				
9720	Reserve for Encumbrances			134,349.28
Other Designations				
9760	Other Commitments	10,533.00	31,330.00	

Fund 130 - Cafeteria Fund

Fiscal Year 2013/14 Through October 2013

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		3,270.47	160,662.53	2.00
B. Expenditures	179,194.00	179,194.00	134,349.28	17,548.40	27,296.32	9.79
C. Subtotal (Revenue LESS Expense)	15,261.00-	15,261.00-		14,277.93-	133,366.21	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	15,261.00-	15,261.00-		14,277.93-	133,366.21	
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	31,330.00		32,312.81		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	10,533.00	31,330.00		134,349.28		

Fund 140 - Deferred Maintenance Fund **Fiscal Year 2013/14 Through October 2013**

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	550.00	550.00		550.00	
	Total Other Local Revenue	550.00	550.00	.00	550.00	
	Total Year To Date Revenues	550.00	550.00	.00	550.00	

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	5,000.00			5,000.00	
5607	Plumbing	25,000.00	25,000.00			25,000.00	
	Total Services and Other Operating Expenditures	35,000.00	35,000.00	.00	.00	35,000.00	
	Total Year To Date Expenditures	35,000.00	35,000.00	.00	.00	35,000.00	

Fund 140 - Deferred Maintenance Fund **Fiscal Year 2013/14 Through October 2013**

Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	199,969.73	115.48	200,085.21
9200	Accounts Receivable - Clear	169.17	115.48-	53.69
	Total Assets	<u>200,138.90</u>	<u>.00</u>	<u>200,138.90</u>
	Calculated Fund Balance	<u>200,138.90</u>	<u>.00</u>	<u>200,138.90</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	200,138.90		200,138.90
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)			.00	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	155,683.00	165,689.00

Fund 140 - Deferred Maintenance Fund

Fiscal Year 2013/14 Through October 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	550.00	550.00			550.00	
B. Expenditures	35,000.00	35,000.00			35,000.00	
C. Subtotal (Revenue LESS Expense)	34,450.00-	34,450.00-		.00	34,450.00-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	34,450.00-	34,450.00-		.00	34,450.00-	
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	165,689.00		200,138.90		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	155,683.00	165,689.00				

Fund 150 - Pupil Transportation Equipment

Fiscal Year 2013/14 Through October 2013

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	100.00	100.00		100.00	
	Total Other Local Revenue	100.00	100.00	.00	100.00	
	Total Year To Date Revenues	100.00	100.00	.00	100.00	

Fund 150 - Pupil Transportation Equipment **Fiscal Year 2013/14 Through October 2013**

Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	19,689.14	11.28	19,700.42
9200	Accounts Receivable - Clear	16.86	11.28-	5.58
	Total Assets	<u>19,706.00</u>	<u>.00</u>	<u>19,706.00</u>
	Calculated Fund Balance	<u>19,706.00</u>	<u>.00</u>	<u>19,706.00</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	19,706.00		19,706.00
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)			<u>.00</u>	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	19,826.00	19,806.00

Fund 150 - Pupil Transportation Equipment

Fiscal Year 2013/14 Through October 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	100.00	100.00			100.00	
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	100.00	100.00		.00	100.00	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	100.00	100.00		.00	100.00	
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		19,706.00		
*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 October 2013**

Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	36.01		36.01
	Calculated Fund Balance	36.01	.00	36.01
Beginning Fund Balance				
9791	Beginning Fund Balance	36.01		36.01
	Beginning Fund Balance Proof	.00	.00	.00
Change in Fund Balance - Excess Revenues (Expenditures)				

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	36.00	36.00

Fund 171 - S/R Capital Outlay-Technology

Fiscal Year 2013/14 Through October 2013

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 October 2013

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	60.00	60.00		60.00	
Total Other Local Revenue		60.00	60.00	.00	60.00	
Total Year To Date Revenues		60.00	60.00	.00	60.00	

Fund 173 - S/R Capital Outlay-Equipment **Fiscal Year 2013/14 Through October 2013**

Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	10,460.59	6.02	10,466.61
9200	Accounts Receivable - Clear	8.69	6.02-	2.67
	Total Assets	10,469.28	.00	10,469.28
	Calculated Fund Balance	10,469.28	.00	10,469.28
Beginning Fund Balance				
9791	Beginning Fund Balance	10,469.28		10,469.28
	Beginning Fund Balance Proof	.00	.00	.00
Change in Fund Balance - Excess Revenues (Expenditures)			.00	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	10,546.00	10,529.00

Fund 173 - S/R Capital Outlay-Equipment

Fiscal Year 2013/14 Through October 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	60.00	60.00			60.00	
B. Expenditures						
C. Subtotal (Revenue LESS Expense)	60.00	60.00		.00	60.00	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	60.00	60.00		.00	60.00	
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		10,469.28		
*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 October 2013**

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Capital Outlay							
6100	Sites and Improvement of Sites		2,887.00		2,886.25	.75	99.97
	Total Capital Outlay	.00	2,887.00	.00	2,886.25	.75	99.97
	Total Year To Date Expenditures	.00	2,887.00	.00	2,886.25	.75	99.97

Fund 211 - Building Fund		Fiscal Year 2013/14 Through October 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	11,176.49	2,721.50-	8,454.99
9200	Accounts Receivable - Clear	9.71	164.75-	155.04-
	Total Assets	11,186.20	2,886.25-	8,299.95
Liabilities				
9611	Due to Other Funds - SetUp	11,186.20		11,186.20
	Calculated Fund Balance	.00	2,886.25-	2,886.25-
	Beginning Fund Balance Proof	.00	2,886.25-	2,886.25-
Change in Fund Balance - Excess Revenues (Expenditures)			(2,886.25)	

Memo Only - Ending Fund Balance Accounts

	Adopted	Revised
Other Designations		
9790 Undesignated/Unappropriated		2,887.00-

Fund 211 - Building Fund

Fiscal Year 2013/14 Through October 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues						
B. Expenditures		2,887.00		2,886.25	.75	99.97
C. Subtotal (Revenue LESS Expense)	.00	2,887.00-		2,886.25-	.75-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	.00	2,887.00-		2,886.25-	.75-	
F. Fund Balance:						
Beginning Balance (9791)						
Audit Adjustments (9793)						
Other Restatements (9795)						
Adjusted Beginning Balance						
G. Calculated Ending Balance	.00	2,887.00-		2,886.25-		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)		2,887.00-				
Other						

Fund 251 - Developer Fees **Fiscal Year 2013/14 Through October 2013**

Object	Description	Adopted Budget	Revised Budget	Revenue	Balance	% Rcvd
Revenue Detail						
Other Local Revenue						
8660	Interest	160.00	160.00		160.00	
8681	Mitigation/Developer Fees			2,677.41	2,677.41-	NO BDGT
	Total Other Local Revenue	<u>160.00</u>	<u>160.00</u>	<u>2,677.41</u>	<u>2,517.41-</u>	<u>1,673.38</u>
	Total Year To Date Revenues	<u>160.00</u>	<u>160.00</u>	<u>2,677.41</u>	<u>2,517.41-</u>	<u>1,673.38</u>

Object	Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Balance	% Used
Expenditure Detail							
Services and Other Operating Expenditures							
5750	Direct Costs for Interfund Ser				80.32	80.32-	NO BDGT
	Total Services and Other Operating Expenditures	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>80.32</u>	<u>80.32-</u>	<u>NO BDGT</u>
	Total Year To Date Expenditures	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>80.32</u>	<u>80.32-</u>	<u>NO BDGT</u>

Fund 251 - Developer Fees **Fiscal Year 2013/14 Through October 2013**

Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	28,311.85	2,618.53	30,930.38
9200	Accounts Receivable - Clear	24.03	21.44-	2.59
9311	Due From Other Funds - SetUp	11,186.20		11,186.20
	Total Assets	<u>39,522.08</u>	<u>2,597.09</u>	<u>42,119.17</u>
	Calculated Fund Balance	<u>39,522.08</u>	<u>2,597.09</u>	<u>42,119.17</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	39,522.08		39,522.08
	Beginning Fund Balance Proof	<u>.00</u>	<u>2,597.09</u>	<u>2,597.09</u>
Change in Fund Balance - Excess Revenues (Expenditures)			2,597.09	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9780 Other Assignments	28,502.00	39,682.00

Fund 251 - Developer Fees

Fiscal Year 2013/14 Through October 2013

Description	Adopted Budget	Revised Budget	Encumbrance	Actual	Budget Balance	% of Budget
Revenues, Expenditures, and Changes in Fund Balance						
A. Revenues	160.00	160.00		2,677.41	2,517.41-	1,673.38
B. Expenditures				80.32	80.32-	NO BDGT
C. Subtotal (Revenue LESS Expense)	160.00	160.00		2,597.09	2,437.09-	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	160.00	160.00		2,597.09	2,437.09-	
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	39,682.00		42,119.17		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)	28,502.00	39,682.00				
Undesig/Unapprop (9790)						
Other						

Fund 355 - School Facilities Hardship		Fiscal Year 2013/14 Through October 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	1.78		1.78
Liabilities				
9611	Due to Other Funds - SetUp	1.78		1.78
	Calculated Fund Balance	<u>.00</u>	<u>.00</u>	<u>.00</u>
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)				

Fund 355 - School Facilities Hardship

Fiscal Year 2013/14 Through October 2013

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 October 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	244.59		244.59
	Calculated Fund Balance	<u>244.59</u>	<u>.00</u>	<u>244.59</u>
Beginning Fund Balance				
9791	Beginning Fund Balance	244.59		244.59
	Beginning Fund Balance Proof	<u>.00</u>	<u>.00</u>	<u>.00</u>
Change in Fund Balance - Excess Revenues (Expenditures)				

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	245.00	245.00

Fund 401 - Sp Res Cap Outlay Proj, Constr

Fiscal Year 2013/14 Through October 2013

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 October 2013

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		1,419.00	
Total Other State Revenues		1,419.00	1,419.00	.00	1,419.00	
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	235,409.00	235,409.00		235,409.00	
8612	Voted Indebtedness Levies, Uns	4,966.00	4,966.00		4,966.00	
8613	Voted Indebtedness Levies, P/Y			10.16	10.16-	NO BDGT
8614	Voted Indebtedness Levies, Sup			447.59	447.59-	NO BDGT
8660	Interest	500.00	500.00		500.00	
Total Other Local Revenue		240,875.00	240,875.00	457.75	240,417.25	0.19
Total Year To Date Revenues		242,294.00	242,294.00	457.75	241,836.25	0.19

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 Serv	157,750.00	157,750.00		79,350.00	78,400.00	50.30
Total Debt Service		252,750.00	252,750.00	.00	174,350.00	78,400.00	68.98
Total Year To Date Expenditures		252,750.00	252,750.00	.00	174,350.00	78,400.00	68.98

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2013/14 Through October 2013

Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	234,973.78	173,798.96-	61,174.82
9200	Accounts Receivable - Clear	177.86	93.29-	84.57
	Total Assets	235,151.64	173,892.25-	61,259.39
	Calculated Fund Balance	235,151.64	173,892.25-	61,259.39
Beginning Fund Balance				
9791	Beginning Fund Balance	235,151.64		235,151.64
	Beginning Fund Balance Proof	.00	173,892.25-	173,892.25-
Change in Fund Balance - Excess Revenues (Expenditures)			(173,892.25)	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	216,545.00	224,696.00

Fund 510 - Bond Interest & Redem 67117056

Fiscal Year 2013/14 Through October 2013

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		457.75	241,836.25	0.19
B. Expenditures	252,750.00	252,750.00		174,350.00	78,400.00	68.98
C. Subtotal (Revenue LESS Expense)	10,456.00-	10,456.00-		173,892.25-	163,436.25	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	10,456.00-	10,456.00-		173,892.25-	163,436.25	
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		61,259.39		
*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 October 2013

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		1,466.00	
	Total Other State Revenues	1,466.00	1,466.00	.00	1,466.00	
Other Local Revenue						
8611	Voted Indebtedness Levies, Sec	243,314.00	243,314.00		243,314.00	
8612	Voted Indebtedness Levies, Uns	5,477.00	5,477.00		5,477.00	
8613	Voted Indebtedness Levies, P/Y			9.65	9.65-	NO BDGT
8614	Voted Indebtedness Levies, Sup			465.91	465.91-	NO BDGT
8660	Interest	600.00	600.00		600.00	
	Total Other Local Revenue	249,391.00	249,391.00	475.56	248,915.44	0.19
	Total Year To Date Revenues	250,857.00	250,857.00	475.56	250,381.44	0.19

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 Serv	209,088.00	209,088.00		105,162.50	103,925.50	50.30
	Total Debt Service	254,088.00	254,088.00	.00	150,162.50	103,925.50	59.10
	Total Year To Date Expenditures	254,088.00	254,088.00	.00	150,162.50	103,925.50	59.10

Fund 511 - Bond Interest & Redem 67118381		Fiscal Year 2013/14 Through October 2013		
Object	Description	Beginning Balance	Year to Date Activity	Ending Balance
Fund Reconciliation				
Assets				
9110	Cash in County Treasury	221,729.96	149,601.55-	72,128.41
9200	Accounts Receivable - Clear	164.57	85.39-	79.18
	Total Assets	221,894.53	149,686.94-	72,207.59
	Calculated Fund Balance	221,894.53	149,686.94-	72,207.59
Beginning Fund Balance				
9791	Beginning Fund Balance	221,894.53		221,894.53
	Beginning Fund Balance Proof	.00	149,686.94-	149,686.94-
Change in Fund Balance - Excess Revenues (Expenditures)			(149,686.94)	

Memo Only - Ending Fund Balance Accounts

Other Designations	Adopted	Revised
9760 Other Commitments	210,007.00	218,664.00

Fund 511 - Bond Interest & Redem 67118381

Fiscal Year 2013/14 Through October 2013

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		475.56	250,381.44	0.19
B. Expenditures	254,088.00	254,088.00		150,162.50	103,925.50	59.10
C. Subtotal (Revenue LESS Expense)	3,231.00-	3,231.00-		149,686.94-	146,455.94	
D. Other Financing Sources and Uses						
Sources						
LESS Uses						
E. Net Change in Fund Balance	3,231.00-	3,231.00-		149,686.94-	146,455.94	
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	218,664.00		72,207.59		
*Components of Ending Fund Balance						
Legally Restricted (9740)						
Other Designations (9780)						
Undesig/Unapprop (9790)						
Other	210,007.00	218,664.00				

MESA UNION SCHOOL DISTRICT

ENROLLMENT REPORT

10/8/2013

Grade	Teacher	Subject	Period	Total Enrolled	
Transitional K	Coe			4	
K	Coe			19	
K1	Larson			3	
K	Larson			22	
K	Sanchez			22	
K				70	
1	Dichiacchio			25	
1	Maxim			24	
1	Vollmert			21	
1				70	
2	Puga			26	
2	Sakai			25	
2	Webster			25	
2				76	
3	Best			24	
3	Mayes			25	
3	McKenna			25	
3				74	
4	Kuklenski/Waggoner			30	
4	Mitchell			29	
4/5 (4 TH)	Ford/Muhlightner			12	
4				71	
4/5 (5 TH)	Ford/Muhlightner			14	
5	DeMaria			31	
5	Willey (Skeens)			29	
5				74	
Elementary				435	
6				70	
7				75	
8				70	
Junior High School				215	
				650	
6	Alkire	Homeroom	0	36	
6	Alkire	Science 6	1	36	
6	Alkire	Science 6	2	34	
6	Alkire	Social Studies 6	3	36	
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	36	
7	Wiley	Exploratory 7	3	37	
6	Wiley	Exploratory 6	4	35	
7	Dunn	Homeroom	0	38	
7	Dunn	Science 7	1	38	
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	37	
7	Grogan	Social Studies 7	2	37	
7	Grogan	Social Studies 7	4	38	
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	36	
8	Hanley	Algebra Readiness 8	1	7	
7/8	Hanley	Pre Alg. 7/8	2	30	
7	Hanley	Pre Alg. 7	4	37	
8	Hanley	Exploratory 8	5	35	
7	Rosen	PE 7	3	38	
6	Rosen	PE 6	4	35	
8	Rosen	PE 8	5	35	

STUDENT OF THE MONTH

SEPTEMBER 2013

<u>TEACHER</u>	<u>SOM</u>	<u>PRINCIPAL'S AWARD</u> <u>HARDWORK/ENTHUSIASM</u>
COE	SAMUEL BRYANT MACKENZIE SCAPLEN JOSHUA EHRHARDT	SYDNEY NISWANDER GRANT TSUJI
LARSON	ISIS MARES KYLIE LAN SEBASTIAN BOISSELIER	CHASE PIERSON SARA RICHINS ALIYAH ASPURIA
SANCHEZ	SOPHIA ARREOLA HAWKEN HALL ELLA PFIEFFER	ADRIAN AVALOS MICHAEL ESTRADA MAXIMO LUNA
DICHIACCHIO	JORDAYN GONZALEZ ELLE ANGER	LUCIA POZZI LAURA LYNCH DAMIEN VALDEZ
MAXIM	NOAH SAHAGUN ANAIS MAGDALENO AISHWARYA MIGLINO	COREY MUHLITNER STEPHANIE ROMERO EVAN FANNER
VOLLMERT	TOMAS DEARCOS VIVIAN NGUYEN	CELESTE SANCHEZ TONY GONZALEZ
PUGA	JAYDEE CASTRO ALEXANDRA PARTIDA ETHAN GUTIERREZ	CESAR MILLER VIOLET VELASQUEZ DOMINIC VICENTE
SAKAI	KAI SUTHERLAND JILL LAN JORDYN HOLMES	JUDE SEGUNDERA JISELLE GARCIA ANISSA MACHUCA
WEBSTER	RICHARD COUSINO EMMA SAHAGUN	ETHAN GUERRERO LILY TOREJA VALENTINA CORTES

STUDENT OF THE MONTH

SEPTEMBER 2013

<u>TEACHER</u>	<u>SOM</u>	<u>PRINCIPAL'S AWARD</u> <u>HARDWORK/ENTHUSIASM</u>
BEST	ALEX DEARCOS COLIN DONNELLY	EMILIA CENTENO MARISOL ESPARZA
MAYES	OLIVIA HARTMANN VICTOR ANDRADE	PARKER GRAVEL TERILYN HUANG
MCKENNA	MITCHELL HORIUCHI ANGELINA SOLIS	VICTORIA LUNA KACIE MIZE
FORD	MORGAN FANNER JULIAN MAGDALENO	CHRISTIAN GONZALEZ SEBASTIAN ROMAN
KUKLENSKI	DHILAN PATEL MALAYA ASPURIA	JAEVIN GARCIA MALIA TARAZON
MITCHELL	NATALIA HAMERNIK BENJAMIN GROOMS	CARLOS ANGUIANO TIANA PACION
DEMARIA	CHARLOTTE WEYMER JUSTIN LAN	ROBERT DYKES ISABELLA POZZI
WILLEY	KYLEE CORONADO THOMAS DULLAM	CASSANDRA O'REILLY MITCHELL ZAGER



Golden Valley Charter School

2013-14 October Financial Update
(actuals through 9/30/13)



2013-14 October Update

- The attached reports present a summary of how GVCS is performing so far vs. the approved 2013-14 “September Update”, the most recent Board-approved budget for GVCS.
- Currently, GVCS is running \$29,376 over budget through 9/31/13, but this is nearly entirely due to differences in monthly revenue timing and not a reduction in overall revenues for the year. This mismatch will re-align in upcoming months. Expenditures are aligning very 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 October Update
BUDGET VS. ACTUALS - SUMMARY**

Revenues:	2013-14 <u>Sept. Update</u>	Year-to-Date <u>Budget</u>	Year-to-Date <u>Actuals</u>	Variance: <u>Budget vs Actual</u>
Revenue Limit	\$ 4,363,701	\$ 517,309	\$ 487,470	\$ (29,838)
Federal Revenue	105,000	-	-	-
Other State Revenue	422,192	28,000	27,408	(592)
Other Local Revenue	4,400	1,500	788	(712)
TTL Revenues:	\$ 4,895,293	\$ 546,809	\$ 515,666	\$ (31,143)
Expenditures:				
Certificated Salaries	\$ 1,844,365	\$ 352,069	\$ 351,789	\$ (280)
Non-certificated Salaries	133,100	17,000	17,570	570
Benefits	560,036	106,905	103,641	(3,264)
Books/Supplies/Materials	1,048,786	75,255	78,757	3,502
Services/Operations	1,118,898	190,887	188,592	(2,295)
Capital Outlay	-	-	-	-
Other Outgo	44,437	-	-	-
TTL Expenditures:	\$ 4,749,622	\$ 742,115	\$ 740,348	\$ (1,767)
Net Revenues	\$ 145,671	\$ (195,307)	\$ (224,683)	\$ (29,376)
Year-To-Date Budget vs. Actuals:		\$ (29,376)	over budget so far this year	
Beginning Balance July 1	\$ 1,648,329			
Ending Balance June 30	\$ 1,794,000			
Ending Balance as % of Total Outgo:		37.8%		

Golden Valley Charter School/Golden Valley Virtual Charter School

CONSOLIDATED

WARRANT REGISTER: September 2013

Sum of Amount				
Check Date	Payee	Check Number	Total	
9/5/2013	All About Spelling	52631	\$ 31.77	
	Alternative Digital Printing	52632	\$ 565.54	
	Apple One Employment Services	52633	\$ 495.00	
	Hosaka, Rotherham & Co.	52634	\$ 5,932.00	
	Jeannie Gudith	52635	\$ 64.67	
	Joyce Salsberry	52636	\$ 49.72	
	Keyboard Galleria Music Center	52637	\$ 27.50	
	Law Office of Young, Minney & Corr, LLP	52638	\$ 447.92	
	Lori Llorence	52639	\$ 32.69	
	MJP Computers	52640	\$ 130.00	
	Ottsen Music Studio	52641	\$ 180.00	
	Rainbow Resource Center	52642	\$ 166.95	
	Sandra M. Yip	52643	\$ 525.00	
	School Specialty Inc.	52644	\$ 102.39	
	Scripps National Spelling Bee	52645	\$ 127.50	
	Singapore Math, Inc	52646	\$ 547.75	
	Stephanie Hagenbach	52647	\$ 45.05	
	Sylvia Klein	52648	\$ 107.35	
	Thinkwell Corporation	52649	\$ 134.38	
	Tricia Purcell	52650	\$ 125.54	
	United Parcel Service	52651	\$ 12.85	
	Wieser Educational	52652	\$ 30.38	
	9/9/2013	Activities for Learning	52658	\$ 427.13
		Barnes & Noble Inc	52659	\$ 280.08
Barton Reading & Spelling Sys (Bright Solutions)		52660	\$ 283.70	
Blackbird & Company		52661	\$ 46.48	
Education Station		52662	\$ 146.36	
Elenco Electronics Inc.		52663	\$ 145.62	
Evan- Moor		52664	\$ 13.95	
Excellence in Education		52665	\$ 137.67	
Home Science Tools		52666	\$ 198.94	
Keyboard Galleria Music Center		52667	\$ 110.00	
Lakeshore Learning Materials		52668	\$ 205.11	
Math- U- See California, Inc		52669	\$ 323.23	
Nickerson Family Trust (Sjnden LLC)		52670	\$ 1,585.25	
Oak Meadow Inc		52671	\$ 213.89	
Office Depot		52672	\$ 477.64	
Pearson - Acct#2462900, 05-5238169, 005-59407-000		52673	\$ 15.46	
Rainbow Resource Center		52674	\$ 1,931.35	
Sandra M. Yip		52675	\$ 475.00	
School Specialty Inc.		52676	\$ 52.74	
Singapore Math, Inc		52677	\$ 118.67	
Staples - eCommerce		52678	\$ 168.77	
Write At Home		52679	\$ 435.00	
Zaner- Bloser		52680	\$ 79.49	
9/13/2013		All About Spelling	52681	\$ 77.24
	Amanda Burns	52682	\$ 239.76	
	Apple Inc	52683	\$ 536.91	
	Barnes & Noble Inc	52684	\$ 210.08	
	Blackbird & Company	52685	\$ 96.95	
	Brave Writer, LLC	52686	\$ 169.00	
	Byu Independent Study	52687	\$ 464.00	
	California Science Center Foundation	52719	\$ 25.00	
	Cassell's Music, Inc	52688	\$ 60.00	
	Christine Albright	52689	\$ 97.18	

Golden Valley Charter School/Golden Valley Virtual Charter School

CONSOLIDATED

WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
41530	Dawn Sign Press	52690	\$ 90.47
	Dick Blick Company	52691	\$ 35.77
	Draganchuck Alarm Systems Inc	52692	\$ 89.85
	Elizabeth Gomez	52693	\$ 154.25
	Follett Educational Services	52694	\$ 46.01
	Home Science Tools	52695	\$ 82.88
	Houghton Mifflin Harcourt - Acct#147529	52696	\$ 85.66
	Institute For Excellence In Writing	52697	\$ 15.00
	Keyboard Galleria Music Center	52698	\$ 27.50
	Nancy Larson Publishers, Inc.	52699	\$ 556.86
	North Dakota Center For Distance Education	52700	\$ 482.15
	Office Depot	52701	\$ 439.80
	Office Depot eCommerce	52702	\$ 25.15
	Peace Hill Press, Inc	52703	\$ 23.82
	Perfection Learning Corp	52704	\$ 33.22
	Rainbow Resource Center	52705	\$ 884.70
	Rosetta Stone, Ltd. (Fairfield Language Tech.)	52706	\$ 685.06
	Scholastic Classroom Books and Libraries	52707	\$ 29.42
	School Specialty Inc.	52708	\$ 58.80
	ServiceMaster Building Maintenance	52720	\$ 329.00
	Singapore Math, Inc	52710	\$ 459.09
	Special Ed Asst & Tech Support, Inc	52711	\$ 9,523.97
	Staples - eCommerce	52712	\$ 415.56
	Steve Spangler Science	52713	\$ 41.23
	Tae Ryong TaeKwonDo School - Camarillo	52714	\$ 80.00
	Thinkwell Corporation	52715	\$ 161.25
	Wendy Hand-Hogan	52716	\$ 215.55
	Wendy Theobald	52717	\$ 69.50
	Zaner- Bloser	52718	\$ 29.00
	9/20/2013	Advanced Academics, Inc.	52721
American Science & Surplus		52722	\$ 17.78
Angela Chapman Kofron		52723	\$ 195.00
Apple Inc		52724	\$ 448.68
Apple One Employment Services		52725	\$ 524.70
Art of Problem Solving		52761	\$ 73.22
Art Supplies Wholesale		52727	\$ 23.96
Barnes & Noble Inc		52728	\$ 771.24
Christine Albright		52729	\$ 4.81
Delta Education		52730	\$ 219.76
Education Station		52731	\$ 26.23
Elenco Electronics Inc.		52732	\$ 70.89
Elizabeth Gomez		52733	\$ 12.76
Follett Educational Services		52734	\$ 262.15
Growing With Grammar (JackKris)		52735	\$ 121.75
Home Science Tools		52736	\$ 863.65
Houghton Mifflin Harcourt - Acct#147529		52737	\$ 113.99
Institute For Excellence In Writing		52738	\$ 179.60
Keyboard Galleria Music Center		52739	\$ 82.50
Lakeshore Learning Materials		52740	\$ 34.00
Learning By Handz		52741	\$ 311.85
Lori Llorenc		52742	\$ 12.90
Math- U- See California, Inc		52743	\$ 339.02
Nickerson Family Trust (Sjnden LLC)		52759	\$ 9,222.00
Office Depot		52744	\$ 505.50
Office Depot eCommerce		52745	\$ 425.52

Golden Valley Charter School/Golden Valley Virtual Charter School

CONSOLIDATED

WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
41537	Oriental Trading Company, Inc.	52746	\$ 83.21
	Pearson - Acct#2462900, 05-5238169, 005-59407-000	52747	\$ 9.30
	Peterson Direct Ed Handwriting	52760	\$ 23.39
	Rainbow Resource Center	52749	\$ 1,904.39
	Sandra M. Yip	52750	\$ 1,880.63
	Singapore Math, Inc	52751	\$ 1,108.88
	Staples - eCommerce	52752	\$ 259.45
	Teaching Textbooks, Inc.	52753	\$ 261.72
	TelePacific Communications	52754	\$ 386.31
	The Critical Thinking Co.	52755	\$ 25.74
	Thinkwell Corporation	52756	\$ 886.90
	U. S. Bank	52757	\$ 1,193.74
	Young At Art- Camarillo	52758	\$ 168.00
9/27/2013	All About Spelling	52762	\$ 299.93
	Allport Editions	52763	\$ 26.45
	Analytical Grammar, Inc.	52764	\$ 211.66
	Apple Inc	52765	\$ 2,434.58
	Apple One Employment Services	52766	\$ 297.00
	Art Supplies Wholesale	52767	\$ 171.35
	Ballet Academy Ventura	52768	\$ 76.00
	Barnes & Noble Inc	52769	\$ 434.82
	Bluestocking Press	52770	\$ 64.87
	Calvert School	52771	\$ 621.35
	Cassell's Music, Inc	52772	\$ 660.00
	Central Music	52773	\$ 246.12
	Children's Music Academy	52806	\$ 100.00
	Dick Blick Company	52775	\$ 242.30
	E. J. Harrison & Sons Inc	52776	\$ 62.43
	Follett Educational Services	52777	\$ 92.76
	Gander Publishing	52778	\$ 86.83
	Great Books Academy	52807	\$ 128.09
	Handwriting Without Tears	52780	\$ 100.25
	Home Science Tools	52781	\$ 106.94
	Houghton Mifflin Harcourt - Acct#147529	52782	\$ 440.74
	Kelly Villalovos	52783	\$ 284.25
	Kids Art Inc - Northridge	52784	\$ 174.00
	Lakeshore Learning Materials	52785	\$ 533.72
	Learn Beyond the Book, LLC	52786	\$ 64.50
	Library Video Company	52787	\$ 28.70
	McGraw-Hill	52788	\$ 108.03
	Miss Melodee Studios, Inc	52789	\$ 197.10
	Nature Watch	52790	\$ 28.20
	Office Depot	52791	\$ 823.78
	Office Depot eCommerce	52792	\$ 218.99
	Peace Hill Press, Inc	52793	\$ 156.43
	Rainbow Resource Center	52794	\$ 1,596.69
	Sandra M. Yip	52795	\$ 900.00
	School Specialty Inc.	52796	\$ 34.34
	Shar Products	52797	\$ 75.19
	Singapore Math, Inc	52798	\$ 181.32
	Stanislaus County Office of Education	52799	\$ 159.00
	Staples - eCommerce	52800	\$ 622.02
	Staples Business Advantage	52801	\$ 40.32
Thinkwell Corporation	52802	\$ 440.67	
Time 4 Learning	52803	\$ 25.00	

Golden Valley Charter School/Golden Valley Virtual Charter School

CONSOLIDATED

WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
41544	Young At Art- Simi Valley	52804	\$ 944.00
	Zaner- Bloser	52805	\$ 17.19
9/30/2013	NONE TO REPORT	0	\$ -
Grand Total			\$ 73,753.15

Golden Valley Charter School
WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
9/5/2013	MJP Computers	52640	\$ 130.00
	Law Office of Young, Minney & Corr, LLP	52638	\$ 447.92
	Rainbow Resource Center	52642	\$ 166.95
	Singapore Math, Inc	52646	\$ 547.75
	Thinkwell Corporation	52649	\$ 134.38
	Stephanie Hagenbach	52647	\$ 45.05
	Apple One Employment Services	52633	\$ 495.00
	All About Spelling	52631	\$ 31.77
	Alternative Digital Printing	52632	\$ 565.54
	Hosaka, Rotherham & Co.	52634	\$ 5,932.00
	Jeannie Gudith	52635	\$ 64.67
	Joyce Salsberry	52636	\$ 49.72
	Keyboard Galleria Music Center	52637	\$ 27.50
	Lori Llorence	52639	\$ 32.69
	Ottsen Music Studio	52641	\$ 180.00
	Sandra M. Yip	52643	\$ 525.00
	School Specialty Inc.	52644	\$ 102.39
	Scripps National Spelling Bee	52645	\$ 127.50
	Sylvia Klein	52648	\$ 107.35
	Tricia Purcell	52650	\$ 125.54
United Parcel Service	52651	\$ 12.85	
Wieser Educational	52652	\$ 30.38	
9/9/2013	Nickerson Family Trust (Sjnden LLC)	52670	\$ 1,585.25
	Office Depot	52672	\$ 477.64
	Rainbow Resource Center	52674	\$ 1,931.35
	Singapore Math, Inc	52677	\$ 118.67
	Activities for Learning	52658	\$ 427.13
	Barnes & Noble Inc	52659	\$ 280.08
	Math- U- See California, Inc	52669	\$ 323.23
	Staples - eCommerce	52678	\$ 168.77
	Lakeshore Learning Materials	52668	\$ 205.11
	Zaner- Bloser	52680	\$ 79.49
	Keyboard Galleria Music Center	52667	\$ 110.00
	Sandra M. Yip	52675	\$ 475.00
	School Specialty Inc.	52676	\$ 52.74
	Barton Reading & Spelling Sys (Bright Solutions)	52660	\$ 283.70
	Blackbird & Company	52661	\$ 46.48
	Education Station	52662	\$ 146.36
	Elenco Electronics Inc.	52663	\$ 145.62
	Evan- Moor	52664	\$ 13.95
	Excellence in Education	52665	\$ 137.67
	Home Science Tools	52666	\$ 198.94
	Oak Meadow Inc	52671	\$ 213.89
	Pearson - Acct#2462900, 05-5238169, 005-59407-000	52673	\$ 15.46
	Write At Home	52679	\$ 435.00
9/13/2013	ServiceMaster Building Maintenance	52720	\$ 329.00
	Special Ed Asst & Tech Support, Inc	52711	\$ 9,523.97
	Office Depot	52701	\$ 439.80
	Rainbow Resource Center	52705	\$ 884.70
	Singapore Math, Inc	52710	\$ 459.09
	Thinkwell Corporation	52715	\$ 161.25
	Wendy Hand-Hogan	52716	\$ 215.55
Barnes & Noble Inc	52684	\$ 210.08	

Golden Valley Charter School
WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
41530	Christine Albright	52689	\$ 97.18
	Follett Educational Services	52694	\$ 46.01
	Houghton Mifflin Harcourt - Acct#147529	52696	\$ 85.66
	Nancy Larson Publishers, Inc.	52699	\$ 556.86
	Office Depot eCommerce	52702	\$ 25.15
	Staples - eCommerce	52712	\$ 415.56
	Zaner- Bloser	52718	\$ 29.00
	All About Spelling	52681	\$ 77.24
	Keyboard Galleria Music Center	52698	\$ 27.50
	School Specialty Inc.	52708	\$ 58.80
	Blackbird & Company	52685	\$ 96.95
	Home Science Tools	52695	\$ 82.88
	Amanda Burns	52682	\$ 239.76
	Apple Inc	52683	\$ 536.91
	Brave Writer, LLC	52686	\$ 169.00
	Byu Independent Study	52687	\$ 464.00
	Cassell's Music, Inc	52688	\$ 60.00
	Dawn Sign Press	52690	\$ 90.47
	Dick Blick Company	52691	\$ 35.77
	Draganchuck Alarm Systems Inc	52692	\$ 89.85
	Elizabeth Gomez	52693	\$ 154.25
	Institute For Excellence In Writing	52697	\$ 15.00
	North Dakota Center For Distance Education	52700	\$ 482.15
	Peace Hill Press, Inc	52703	\$ 23.82
	Perfection Learning Corp	52704	\$ 33.22
	Rosetta Stone, Ltd. (Fairfield Language Tech.)	52706	\$ 685.06
	Scholastic Classroom Books and Libraries	52707	\$ 29.42
	Steve Spangler Science	52713	\$ 41.23
	Tae Ryong TaeKwonDo School - Camarillo	52714	\$ 80.00
	Wendy Theobald	52717	\$ 69.50
California Science Center Foundation	52719	\$ 25.00	
9/20/2013	Nickerson Family Trust (Sjnden LLC)	52759	\$ 9,222.00
	U. S. Bank	52757	\$ 1,193.74
	TelePacific Communications	52754	\$ 386.31
	Office Depot	52744	\$ 505.50
	Rainbow Resource Center	52749	\$ 1,904.39
	Singapore Math, Inc	52751	\$ 1,108.88
	Thinkwell Corporation	52756	\$ 886.90
	Barnes & Noble Inc	52728	\$ 771.24
	Christine Albright	52729	\$ 4.81
	Follett Educational Services	52734	\$ 262.15
	Growing With Grammar (JackKris)	52735	\$ 121.75
	Houghton Mifflin Harcourt - Acct#147529	52737	\$ 113.99
	Math- U- See California, Inc	52743	\$ 339.02
	Office Depot eCommerce	52745	\$ 425.52
	Staples - eCommerce	52752	\$ 259.45
	The Critical Thinking Co.	52755	\$ 25.74
	Lakeshore Learning Materials	52740	\$ 34.00
	Apple One Employment Services	52725	\$ 524.70
	Keyboard Galleria Music Center	52739	\$ 82.50
	Lori Llorence	52742	\$ 12.90
	Sandra M. Yip	52750	\$ 1,880.63
	Education Station	52731	\$ 26.23

Golden Valley Charter School
WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
41537	Elenco Electronics Inc.	52732	\$ 70.89
	Home Science Tools	52736	\$ 863.65
	Pearson - Acct#2462900, 05-5238169, 005-59407-000	52747	\$ 9.30
	Apple Inc	52724	\$ 448.68
	Elizabeth Gomez	52733	\$ 12.76
	Institute For Excellence In Writing	52738	\$ 179.60
	Advanced Academics, Inc.	52721	\$ 1,240.00
	American Science & Surplus	52722	\$ 17.78
	Angela Chapman Kofron	52723	\$ 195.00
	Art Supplies Wholesale	52727	\$ 23.96
	Delta Education	52730	\$ 219.76
	Learning By Handz	52741	\$ 311.85
	Oriental Trading Company, Inc.	52746	\$ 83.21
	Teaching Textbooks, Inc.	52753	\$ 261.72
	Young At Art- Camarillo	52758	\$ 168.00
	Peterson Direct Ed Handwriting	52760	\$ 23.39
	Art of Problem Solving	52761	\$ 73.22
9/27/2013	Staples Business Advantage	52801	\$ 40.32
	E. J. Harrison & Sons Inc	52776	\$ 62.43
	Office Depot	52791	\$ 823.78
	Rainbow Resource Center	52794	\$ 1,596.69
	Singapore Math, Inc	52798	\$ 181.32
	Thinkwell Corporation	52802	\$ 440.67
	Barnes & Noble Inc	52769	\$ 434.82
	Follett Educational Services	52777	\$ 92.76
	Houghton Mifflin Harcourt - Acct#147529	52782	\$ 440.74
	Kelly Villalovos	52783	\$ 284.25
	Office Depot eCommerce	52792	\$ 218.99
	Staples - eCommerce	52800	\$ 622.02
	Lakeshore Learning Materials	52785	\$ 533.72
	Zaner- Bloser	52805	\$ 17.19
	Apple One Employment Services	52766	\$ 297.00
	All About Spelling	52762	\$ 299.93
	Sandra M. Yip	52795	\$ 900.00
	School Specialty Inc.	52796	\$ 34.34
	Home Science Tools	52781	\$ 106.94
	Apple Inc	52765	\$ 2,434.58
	Cassell's Music, Inc	52772	\$ 660.00
	Dick Blick Company	52775	\$ 242.30
	Peace Hill Press, Inc	52793	\$ 156.43
	Art Supplies Wholesale	52767	\$ 171.35
	Allport Editions	52763	\$ 26.45
	Analytical Grammar, Inc.	52764	\$ 211.66
	Ballet Academy Ventura	52768	\$ 76.00
	Bluestocking Press	52770	\$ 64.87
	Calvert School	52771	\$ 621.35
	Central Music	52773	\$ 246.12
	Gander Publishing	52778	\$ 86.83
	Handwriting Without Tears	52780	\$ 100.25
	Kids Art Inc - Northridge	52784	\$ 174.00
Learn Beyond the Book, LLC	52786	\$ 64.50	
Library Video Company	52787	\$ 28.70	
McGraw-Hill	52788	\$ 108.03	

Golden Valley Charter School
WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
41544	Miss Melodee Studios, Inc	52789	\$ 197.10
	Nature Watch	52790	\$ 28.20
	Shar Products	52797	\$ 75.19
	Stanislaus County Office of Education	52799	\$ 159.00
	Time 4 Learning	52803	\$ 25.00
	Young At Art- Simi Valley	52804	\$ 944.00
	Children's Music Academy	52806	\$ 100.00
	Great Books Academy	52807	\$ 128.09
9/30/2013	NONE TO REPORT	0	\$ -
Grand Total			\$ 73,753.15

Golden Valley Virtual School
WARRANT REGISTER: September 2013

Sum of Amount			
Check Date	Payee	Check Number	Total
9/30/2013	NONE TO REPORT	0	\$ -
Grand Total			\$ -

M.U.T.A.

Mesa Union Teachers' Association
3901 North Mesa School Road
Somis, CA 93066 805-485-1411

Executive Officers:

Christie Mitchell – *President*
Debbie Mayes – *Vice-President*
Charaline Maxim &
Julee Vollmert – *Co-Secretaries*
Betsy Willey – *Treasurer*

September 16, 2013

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

Dear Dr. Babb:

The Mesa Union Teachers' Association hereby presents its initial proposal for a successor collective bargaining agreement to the Mesa Union School District. We propose to open the following articles and appendix:

II Recognition
XI Hours
XII Leaves
XIV Teaching Assignments
XVI Salary
Appendix Salary Schedule Guidelines

Our bargaining team looks forward to working with you and the Board of Trustees in the upcoming year.

Sincerely,



Christie Mitchell
MUTA President



Board of Trustees:
Noel Cammarug
Rick Murray
Susan Nemets
Steven Sullivan
Judith Thielemann

Superintendent
Dr. Michael Babb
Principal
Ryan Howatt

"We teach students to create, connect, and collaborate—for life!"

TO: Ms. Christie Mitchell, President
Mesa Union Teachers' Association

FROM: Dr. Michael Babb, Superintendent
Mesa Union School District

DATE: September 13, 2013

RE: Initial Successor Contract Proposal

The Mesa Union School District ("District") hereby presents its initial proposal for a successor collective bargaining agreement to the Mesa Union Teachers' Association ("Association"). This proposal is submitted pursuant to the Educational Employment Relations Act, Government Code section 3547, and incorporates the specific articles that the District wishes to include in its successor contract negotiations with Association.

- ARTICLE VII: NEGOTIATIONS PROCEDURES**
- ARTICLE XI: HOURS**
- ARTICLE XII: LEAVES**
- ARTICLE XIII: CLASS SIZE**
- Update to reflect current Class Size Reduction Program regulations
- ARTICLE XVI: SALARY**
- ARTICLE XVII: EMPLOYEE BENEFITS**
- Update references to health plans
- ARTICLE XX: SCHOOL CALENDAR**
- ARTICLE XXII: PEER ASSISTANCE AND REVIEW PROGRAM**
- APPENDIX: SALARY SCHEDULE GUIDELINES**

The District proposes that any article not listed above remain status quo and be included as is in the parties' successor contract.

**Mesa Union School District
Board of Trustees
Resolution # 13-14-04**

Resolution on Use of Northern Section of Campus

WHEREAS, the Mesa Union School District supports the rights of students, parents and staff to a safe school and workplace environment; and,

WHEREAS, the district, per prior applications with the State Allocation Board, the California Department of Education, and the Office of Public School Construction, carried out the state-approved Mesa Union School Expansion and Modernization Project (Measure A), erecting a protective wall and expanding the campus in order to abandon the daily use of a former playground north of the campus (Exhibit A). The area of the vacated playground was paved over and is being used for a non-school purposes; and,

WHEREAS, The Assistant Division Director at the California Department of Education stated on August 30, 2013 that, "the use of the former play area abandoned as part of the facility hardship can be used for non-school purposes"; and,

NOW, THEREFORE, BE IT RESOLVED that the asphalted lot adjacent to the junior high be limited to non-classroom purposes, including occasional overflow parking and other non-classroom uses.

Passed and adopted this 15th day of October, 2013, at a meeting, by the following vote:

Ayes: _____ Noes: _____ Absent: _____

Attest:

Secretary

President

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



MESA UNION SCHOOL DISTRICT
RESOLUTION# 13-14-05

Resolution in Recognition of National Red Ribbon Week October 23-31, 2013

Whereas, our nation's annual anti-drug, anti-alcohol, and anti-tobacco campaign, a time for all Californians to focus their attention on the problems of substance abuse, will be held from October 23 through October 31, 2013; and

Whereas, educators understand the importance of creating tobacco-free and drug-free schools and communities for our children; and

Whereas, the purpose of *Red Ribbon Week* is to present a unified and visible commitment toward creation of a Drug-Free America – to create awareness regarding problems related to the use of tobacco, alcohol, and other drugs – and to support community prevention coalitions and to organize and support healthy tobacco-free and drug-free activities; and

Whereas, *Red Ribbon Week* provides a forum for adults and children to join together with law enforcement, teachers and others to demonstrate their commitment to leading a healthy lifestyle, free of drugs and alcohol;

Now, Therefore, Be it Resolved, that the Mesa Union School District, on behalf of all educators in Ventura County, hereby supports the designation of *Red Ribbon Week* from October 23 through October 31, 2013, and encourages all citizenry in celebrating healthy choices and positive models for living drug free.

This is to certify that the above Resolution was adopted by the Board of Education at a regular meeting of the Board held on October 15, 2013.

Ayes: _____

Nays: _____

Absent: _____

PASSED AND ADOPTED this 15th day of October, 2013, by the Governing Board of the Mesa Union School District of Ventura County, California.

Michael Babb, Ed.D., Superintendent
Secretary to the Board of Education

SERVICE AGREEMENT

Between

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
UNIVERSITY OF CALIFORNIA, SANTA BARBARA

And

MESA UNION SCHOOL DISTRICT

This Service Agreement (hereinafter "Agreement") is made effective on the 17th day of September 2013 by and between THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a California constitutional corporation, on behalf of the Gevirtz Graduate School of Education at the Santa Barbara campus (hereinafter the "University") and Mesa Union School District (MUSD), having a principal place of business at 3901 North Mesa School Road, Somis, California 93066 (hereinafter the "Sponsor").

WHEREAS, the University is a non-profit organization dedicated, in part, to engaging in high quality research activities for the advancement of knowledge and the benefit of the public;

WHEREAS, the University has established the South Coast Writing Project (SCWriP) with a mission of improving student writing by improving the teaching of writing;

WHEREAS, the project contemplated by this Agreement is of mutual interest and benefit to both the University and the Sponsor, and is consistent with the educational objectives of the University;

NOW THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties hereby agree as follows:

I. Statement of Work

1.1 The University, through its Principal Investigator(s) (as defined below), shall use reasonable efforts to perform the service activities set forth in the document titled "Statement of Work" which is attached to this Agreement as Exhibit A and is incorporated herein by this reference. The Sponsor acknowledges and agrees that the University cannot guarantee the results of its activities and that minor deviations from the "Statement of Work" might occur.

2. Deliverables

2.1 The deliverables due from the University under this Agreement (hereinafter the "Deliverables") are described in, and will be submitted to the Sponsor in accordance with, the document titled "Deliverables" which is attached to this Agreement as Exhibit B and is incorporated herein by this reference.

3. Performance Period and Term

3.1 The period of performance and the term of this Agreement will commence on October 1, 2013 and will conclude on June 1, 2014.

4. Cost to Sponsor

4.1 The cost to the Sponsor for the University's performance under this Agreement shall be Six Thousand Eight Hundred Seventy Four and 00/100 Dollars (\$6,874.00).

5. Payment

5.1 The Sponsor shall make payments to the University in accordance with the provisions set forth in the document titled "Payment Schedule" which is attached to this Agreement as Exhibit C and is incorporated herein by this reference. The Sponsor must make checks payable to "The Regents of the University of California" and must send payments to:

Kelly Hayton
Manager, Finance & Administration
Gevirtz Graduate School of Education
University of California
Santa Barbara, CA 93106-9490

6. Principal Investigator

6.1 The University's performance under this Agreement will be under the direction of Dr. Tim Dewar, who will serve as Principal Investigator(s) (herein the "Principal Investigator"). In the event that the Principal Investigator becomes unable or is unwilling to continue work under this Agreement, and an alternate Principal Investigator is not agreeable to the Sponsor, the Sponsor will have the option to terminate this Agreement in accordance with Article 16. The Sponsor acknowledges and agrees that the Principal Investigator is the service contact for the University but is not authorized to amend, modify, or terminate this Agreement. Requests to amend, modify, or terminate this Agreement must be directed to the Manager, Finance & Administration, Gevirtz Graduate School of Education, and must comply with the notice requirements of this Agreement.

7. Rights in Data and Data Security

7.1 Subject to this Article 7, and in accordance with Article 10 and Article 11 of this Agreement, the Sponsor will have the right to use the Deliverables. The Sponsor hereby agrees that under no circumstances will the Sponsor state or imply that the University has tested, endorsed, or approved any product, service, or company.

7.2 Except as set forth in Article 11 of this Agreement, the University will have the right to publish and to use any information or data specified to be delivered under this Agreement, including the Deliverables, and any information or data gathered by or received by the University in connection with this Agreement. The Sponsor hereby grants to the University, to the extent

that the Sponsor has the legal right to do so, a non-exclusive, royalty-free, irrevocable, worldwide license to use, reproduce, display publicly, and otherwise distribute any and all information and data that the Sponsor provides to the University in connection with this Agreement.

7.3 The Sponsor and the University acknowledge and agree that the University may not and will not disclose to the Sponsor any personally identifiable information in connection with this Agreement and that if such information is to be included in the Deliverables it must first be rendered anonymous and/or must be presented in an aggregate form.

8. Supplies and Equipment

8.1 In the event that the University purchases supplies or equipment in connection with this Agreement, title to such supplies and equipment will vest in the University.

9. Patents and Inventions

9.1 Inventorship and ownership of developments or discoveries first conceived and actually reduced to practice in the performance of this Agreement will be determined in accordance with University of California policies and applicable United States patent laws.

10. Copyright and Grant of License

10.1 Copyright in and ownership of original works of authorship first created and fixed in a tangible medium of expression by the University, or by the University's officers, employees, or agents, in the performance of this Agreement, including the Deliverables, will vest in the University.

10.2 The University hereby grants to the Sponsor, subject to the terms and conditions of this Agreement and to the extent that the University has the legal right to do so, a non-exclusive, royalty-free, irrevocable, worldwide license to use, reproduce, display publicly, and otherwise distribute the Deliverables in connection with the Sponsor's non-profit educational activities.

11. Confidentiality

11.1 During the term of this Agreement, the Sponsor might provide the University, and the University might provide the Sponsor, with certain proprietary business or technical information or materials (hereinafter "Confidential Information"). Except as required by law, and provided that all such written information or materials are clearly marked "Confidential" and provided that all oral disclosures of such information or materials are reduced to a writing clearly marked "Confidential" that is provided to the respective party within thirty (30) days of such oral disclosure, the University and the Sponsor will hold such information and materials in confidence and each hereby agrees to use reasonable efforts to prevent its disclosure to third parties. The Sponsor acknowledges and agrees that the Sponsor will provide Confidential Information only to the Principal Investigator. The obligations set forth in this Article 11 shall continue in effect for three (3) years after the expiration or the termination of this Agreement.

11.2 Information and materials disclosed by the Sponsor or by the University will not be considered Confidential Information when such information or materials: (1) are now public knowledge or subsequently become such through no breach of this Agreement; (2) are rightfully in the University's or the Sponsor's possession prior to the Sponsor's or the University's disclosure as shown by written records; (3) are rightfully disclosed to the University or to the Sponsor by a third party; or (4) are independently developed by or for the University or the Sponsor without reliance upon Confidential Information received by the Sponsor or the University. The University and the Sponsor hereby agree that the Deliverables will not be considered Confidential Information.

11.3 Because the University is a public, non-profit, educational institution and does not have identified resources to sustain liabilities related to the disclosure of information, the Sponsor agrees that no financial liability will attach to the University in the event that the University breaches its obligations under this Article 11.

12. Performance

12.1 The Sponsor acknowledges and agrees that the University is under no obligation to perform, and the Sponsor is under no obligation to fund, the services contemplated under this Agreement unless and until all required University approvals are secured.

13. Publication

13.1 It is understood that, as set forth in Article 7 of this Agreement, the University will be allowed to use the information and data collected in connection with this Agreement for appropriate research purposes such as presentations at professional conferences and for scientific publications provided that no individual identifying information is used.

14. Governing Law and Venue

14.1 This Agreement will be governed by, and interpreted in accordance with, the laws of the State of California as applied to contracts made and performed in California and without regard to the conflict of laws provisions thereof.

14.2 The parties acknowledge and agree that the exclusive venue for any cause of action of any nature arising out this Agreement will be a state court having jurisdiction over Santa Barbara, California.

15. Notice

15.1 Any notice required by or made in connection with this Agreement will be deemed to have been properly received when delivered in person or when mailed by registered or certified first class mail to the addresses given below:

To the University: Kelly Hayton
Manager, Finance & Administration
Gevirtz Graduate School of Education

University of California
Santa Barbara, CA 93106-9490

With a copy to: Contracts and Property Office
University of California
Santa Barbara, CA 93016-2095

To the Sponsor: Dr. Michael Babb
Superintendent
Mesa Union School District
3901 N. Mesa Rd
Somis, CA 93066

16. Termination

16.1 Either the University or the Sponsor may terminate this Agreement by giving at least sixty (60) days' written notice to the other. In the event of such termination, the Sponsor will pay the University for the University's actual direct and indirect costs, for the costs of non-cancellable commitments incurred prior to the date of termination, and for fair close-out related costs. If the total of such costs is less than the total of funds advanced to the University by the Sponsor, the University will return the balance to the Sponsor.

17. Publicity

17.1 Neither party will use the name, trade name, trademark, or other designation of the other party without the prior written permission of the other party. However, nothing in this Article 17 is intended to restrict either party from disclosing the existence of and nature of this Agreement (including the name of the other party) or from including any reference to the existence of and nature of this Agreement in the routine reporting of its activities.

18. Indemnification

18.1 The Sponsor shall defend, indemnify, and hold the University, its officers, employees, and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the Sponsor, its officers, agents, or employees.

18.2 The University shall defend, indemnify, and hold the Sponsor, its officers, employees, and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the University, its officers, agents, or employees.

18.3 This Article 18 will survive the termination or the expiration of this Agreement.

19. DISCLAIMER OF WARRANTIES AND LIMITATION OF LIABILITY

19.1 THE SPONSOR ACKNOWLEDGES AND AGREES THAT THE UNIVERSITY MAKES NO WARRANTIES, EITHER EXPRESS OR IMPLIED, REGARDING THE UNIVERSITY'S SERVICES OR THE DELIVERABLES INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, OR NON-INFRINGEMENT. THE SPONSOR ACKNOWLEDGES AND AGREES THAT THE SERVICES AND THE DELIVERABLES PROVIDED UNDER THIS AGREEMENT ARE PROVIDED ON AN "AS IS" BASIS.

19.2 THE SPONSOR ACKNOWLEDGES AND AGREES THAT, NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, THE UNIVERSITY'S AGGREGATE LIABILITY WILL NOT EXCEED THE AMOUNT ACTUALLY RECEIVED BY THE UNIVERSITY FROM THE SPONSOR PURSUANT TO THIS AGREEMENT.

20. Excusable Delays

20.1 The University will be excused from performance hereunder if a delay is caused by inclement weather, fire, flood, strike, or other labor dispute, acts of God, acts of governmental officials or agencies, terrorism, or any other cause beyond the control of the University. The excusable delay will be allowed for the period of time affected by the delay. If a delay occurs, the parties will revise the performance period or other provisions hereunder as appropriate.

21. Assignment and Delegation

21.1 Neither party will assign its rights, or delegate its duties, under this Agreement without the prior express written consent of the other party, provided, however, that the Sponsor may assign this Agreement to a successor in ownership of all or substantially all its business assets in the field to which this Agreement relates if such successor will expressly assume in writing the obligation to perform in accordance with the terms and conditions of this Agreement. Any other purported assignment or delegation will be void.

22. Amendments

22.1 No amendments to, or modifications or waivers of, this Agreement shall be valid unless in writing and unless signed by an authorized signatory of each party to this Agreement.

23. Additional Provisions

23.1 Not a Partnership or Joint Venture. The parties acknowledge and agree that the University is performing its obligations under this Agreement as an independent contractor. The parties, by this Agreement, do not intend to create a partnership, principal/agent, master/servant, or joint venture relationship and nothing in this Agreement shall be construed as creating such a relationship between the parties.

23.2 Severability. If any term or provision of this Agreement shall be held to be invalid or illegal, such term or provision shall not affect the validity or enforceability of the remaining terms and provisions of this Agreement.

23.3 Recitals and Headings. The recitals herein constitute an integral part of the Agreement reached and are to be considered as such. However, the captions and headings contained in this Agreement have been inserted for reference and convenience only and in no way define, limit, or describe the text of this Agreement or the intent of any provision.

23.4 No Waiver. The waiver by either party of a breach or default of any provision of this Agreement shall not constitute a waiver of any succeeding breach, nor shall any delay or omission on the part of either party to exercise any right that it has under this Agreement operate as a waiver of such right, unless the terms of this Agreement set forth a specific time limit for the exercise thereof.

23.5 No Third Party Rights. Nothing in this Agreement is intended to make any person or entity who is not a signatory to this Agreement a third-party beneficiary of any right created by this Agreement or by operation of law.

24. Entire Agreement and Counterparts

24.1 This Agreement, and Exhibit A, Exhibit B, and Exhibit C, constitute the entire agreement and understanding between the parties and supersede all previous agreements and understandings, if any.

24.2 This Agreement may be executed in two (2) counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. If this Agreement is executed in counterparts, no signatory hereto shall be bound by this Agreement until all parties named below have executed a counterpart of this Agreement.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the dates written below.

MESA UNION SCHOOL DISTRICT

By: _____
Name: Michael Babb
Title: Superintendent
Date: _____

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

By: Kimberly Tapia
Name: Kimberly Tapia
Title: Sr. Contract Analyst
Business & Financial Services
Date: 9/25/13

Department Approval

By: Jane Close Conoley
Name: Dr. Jane Close Conoley
Title: Dean
Gevirtz Graduate School of Education
Date: 9-30-13

EXHIBIT B

Deliverables

- SCWriP will develop and deliver the content of seven professional development workshops.
- SCWriP will provide a Series Coordinator who would be responsible for organizing the content of the series and who would attend all afterschool sessions.
- SCWriP will also provide two Teacher-Consultants for each afterschool session. These TCs would vary depending on the content of the day.
- SCWriP will provide all consumable materials for the workshop.

EXHIBIT C


Payment Schedule

Payment made by the Sponsor during the course of the Agreement will cover costs associated with graduate students and staff, travel expenses, and supplies and other expenses.

The University will invoice the Sponsor via mail to Michael Babb in two (2) installments. The first invoice will be issued in the amount of Two Thousand Nine Hundred Forty Six 00/100 Dollars (\$2,946.00) in January 2014. The second invoice will be issued in the amount of Three Thousand Nine Hundred Twenty Eight 00/100 Dollars (\$3,928.00) in May 2014.

The Sponsor will pay invoices within thirty (30) days of receipt.

Mesa Union School District



Board of Trustees:

Noel Camanag
Rick Murray
Susan Nemets
Steven Sullivan
Judith Thielemann

Superintendent

Dr. Michael Babb
Principal
Ryan Howatt

"We teach students to create, connect, and collaborate for life!"

November 1, 2013

Dear Parents/Guardians;

Mesa Union Elementary School has enjoyed a long tradition of excellence where children thrive in a K-8 arts-, science- and technology-enriched environment. The district currently is able to offer a unique opportunity for a limited number of students who do not live in the Mesa Union School District attendance area to attend our school. The two options, District of Choice and Inter-district Transfer, are described below.

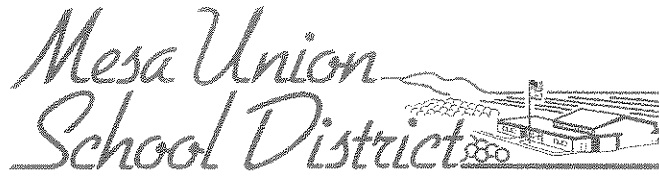
Option I: Inter-district Transfer Permits: Mesa Union is able to accept students on inter-district transfer permits. Under this option, families are required to apply for their children to attend. In addition, families must get a release from the school district of residence. After students complete their first year at Mesa Union School District, they may be renewed automatically for the next five years without needing to gain approval from the district of residence. Priority is given to students whose siblings currently attend Mesa Union Elementary.

Option II: District of Choice: In addition, Mesa Union has been designated a 'District of Choice.' This designation allows the school to accept a limited number of students from out of the attendance area. Families must apply to have their children accepted into the district. Under this option, it is **not** necessary to get a release from the district of residence if parents apply before **12/31/13**. A lottery will be conducted in January 2014 for the limited number of spaces for the 2014-2015 school year. Parents are notified of the result no later than 90 days after receipt of the application. Priority is given to students whose siblings currently attend Mesa Union Elementary School.

Please call the school office at (805) 485-1411 with any questions.

Sincerely,

Michael Babb, Ed.D.
Superintendent



3901 North Mesa School Road, Somis, Ca 93066 (805) 485-1411 (805) 485-4387 fax

DISTRICT OF CHOICE TRANSFER APPLICATION

(One form must be submitted for each child *prior to December 31, 2013*)

2014-2015

School yr. _____ Grade _____ Current District of Residence _____ Last School Attended _____ *Student on active IEP? _____

**Student in ELL Program? _____

Student Name _____ Male Female _____ / _____ / _____
(Please print first name & last name) Date of Birth

Address: _____ City/State _____

Parent/Guardian Name (Please print first & last name) _____ Home Phone _____ Cell Phone _____

Please Note: This request is subject to space availability and governed by the governing board's action determining the number of transfers the district is able to accept. The district is not required to admit a student to a specific program. Acceptance of District of Choice applications into Mesa Union School District will be determined through a random, unbiased process conducted at a Board of Trustees meeting.

If this child has any siblings currently attending Mesa Union School District, please list:
(Note: a separate District of Choice transfer application will still need to be submitted for the child/ren listed below)

Sibling Name: _____ Grade: _____
Sibling Name: _____ Grade: _____
Sibling Name: _____ Grade: _____

Per California Education Code 48306, applicants who have siblings currently attending Mesa Union School District shall be given priority in the selection process.

I have read and understood the above process and conditions for acceptance into the Mesa Union School District under the provisions of a District of Choice Transfer. It also is understood that once admitted into Mesa Union School District my child will be automatically renewed for attendance each year.

Parent/Guardian signature: _____ Date: _____

(This section to be completed by the Mesa Union School District)

Assigned Lottery Number (If required the lottery will be held by grade level based on space availability)


Approved- The above student is accepted for attendance into the Mesa Union School District and will be assigned to a classroom based on space availability. Your current district of residence residence will be notified during the month of March of your intent to enroll your child in the Mesa Union School District

Denied- Reason not approved: _____

Authorized Signature Superintendent Title Date

* These questions are for state reporting purposes only and will not be used as determining factors in the selection process. IEP is a designation for special education services.
** ELL designates students who are English Language Learners.

Mesa Union School District



Board of Trustees:
Noel Cumanag
Rick Murray
Susan Nemets
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Judith Thielemann

Superintendent
Dr. Michael Babb
Principal
Ryon Howatt

"We teach students to create, connect, and collaborate—for life!"

DATE: September 17, 2013
TO: MUSD Board of Trustees
FROM: Dr. Michael Babb, Superintendent
RE: Common Core State Standards Spending Plan

Background

The 2013-14 State Budget provides one-time funds to support implementation of the Common Core State Standards. This new funding is provided to support the following activities:

- Professional development for teachers, administrators, and paraprofessional educators or other classified employees involved in the direct instruction of pupils that is aligned to the academic content standards adopted pursuant to California Education Code (EC) sections 60605.8, 60605.11, 60605.85, and 60811.3.
- Instructional materials aligned to the academic content standards adopted pursuant to EC sections 60605.8, 60605.85, 60605.11, and 60811.3 including, but not limited to, supplemental instructional materials as provided in sections 60605.86, 60605.87, and 60605.88.
- Integration of these academic content standards through technology-based instruction for purposes of improving the academic performance of pupils, including, but not necessarily limited to, expenditures necessary to support the administration of computer-based assessments and provide high-speed, high bandwidth Internet connectivity for the purpose of administration of computer-based assessments.

Funds must be spent by July 1, 2015. As a condition of receiving the funds, a spending plan must be presented at a public meeting of the governing board and then approved at a subsequent public meeting of the governing board.

Funding

The amount of one-time funds is approximately \$132,600.00, or \$200 per student, based on 2012-13 enrollment.

Planned use of funds

Mesa Union School District's goal is to prepare staff to support student learning of the Common Core. Part of this work entails administering the Common Core State Standards, including formative and summative assessments, through computers. The district needs to build the necessary infrastructure, purchase devices and provide professional development so teachers can help students use these devices.

Funds will be used during the 2013-14 and 2014-15 school years to support the following activities:

- Provide CCSS training to teachers and administrators through Ventura County Office of Education
- Provide SCWriP training in CCSS writing strategies
- Adopt and secure CCSS-aligned instructional materials
- Upgrade technology infrastructure that supports Smarter Balanced Assessment
- Purchase devices and software for technology-based assessment and instruction

The following chart itemizes approximate costs necessary to support those activities:

<i>Proposed Expenditures</i>	<i>Estimated Cost</i>
<i>Site Specific Technology</i>	<i>\$ 62,600</i>
<i>Professional Development</i>	<i>\$ 40,000</i>
<i>Instructional Materials</i>	<i>\$ 30,000</i>
<i>Total Expenditures</i>	<i>\$ 132,600.00</i>

Mesa Union School District requests the approval of the estimated expenditures for the Common Core State Standards Implementation Funding.

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 20____ (January 1 through March 31)
 (check one) July 20____ (April 1 through June 30)
 October 2013 (July 1 through September 30)
 January 20____ (October 1 through December 31)

Date for information to be reported publicly at governing board meeting: October 15, 2013

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

October 15, 2013
Date

CSBA Sample

Board Policy

School Plans/Site Councils

BP 0420

Philosophy, Goals, Objectives and Comprehensive Plans

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

The Governing Board believes that comprehensive planning at each district school is necessary in order to focus school improvement efforts on student academic achievement and facilitate the effective use of district resources. The Superintendent or designee shall ensure that school plans provide clear direction and identify cohesive strategies aligned with school and district goals.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

Note: School site councils or other schoolwide advisory committees are required to develop a single plan for student achievement (SPSA) to consolidate the school plans required for the state and federal categorical programs included in the state's consolidated application (Education Code 64000-64001) and the Quality Education/Investment Act (Education Code 52055.700-52055.770). School plans formerly required for the Pupil Retention Block Grant (Education Code 41505-41508) and School and Library Improvement Block Grant (Education Code 41571-41573) may no longer be applicable since the funding for those programs is now included in the Local Control Funding Formula pursuant to AB 97 (Ch. 47, Statutes of 2013). For additional information regarding the development and content of the SPSA, see the accompanying administrative regulation and the California Department of Education's (CDE) publication A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, available on its web site.

For any school that participates in specified state and/or federal categorical programs, the school site council or other schoolwide advisory committee shall consolidate the plans required for those categorical programs into a single plan for student achievement (SPSA). (Education Code 52055.755, 64001)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.4 - Quality Education Investment Schools)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1431 - Waivers)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4131 - Staff Development)

(cf. 5147 - Dropout Prevention)
(cf. 6020 - Parent Involvement)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6151 - Class Size)
(cf. 6164.2 - Counseling/Guidance Services)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6190 - Evaluation of the Instructional Program)

As appropriate, a school may incorporate any other school plan into the SPSA. (Education Code 64001)

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

The Superintendent or designee shall review each school's SPSA to ensure that it meets the content requirements for all programs included, is based on an analysis of current practices and student academic performance, and reasonably links improvement strategies to identified needs of the school and students. He/she shall submit to the Board his/her recommendations for plan approval or revision.

The Board shall review and approve each school's SPSA and any subsequent material revisions affecting the academic programs for students participating in the categorical programs addressed in the SPSA. The Board shall certify that, to the extent allowable under federal law, the SPSA is consistent with district local improvement plans required as a condition of receiving federal funding. Any such review and approval shall be at a regularly scheduled Board meeting. (Education Code 64001)

Note: The CDE's publication A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council indicates that, as with plans required for School-Based Program Coordination pursuant to Education Code 52855, the Board must communicate its reasons any time it does not approve the SPSA.

Whenever the Board does not approve a school's SPSA, it shall communicate its specific reasons for disapproval of the plan to the school site council or committee. The school site council or committee shall then revise and resubmit the SPSA to the Board for its approval.

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

The Superintendent or designee shall ensure that school administrators and school site council members receive training on the roles and responsibilities of the site council.

Legal Reference:
EDUCATION CODE
52-53 Designation of schools

33133 Information guide for school site councils
35147 Open meeting laws exceptions
41500-41573 Categorical education block grants
52055.700-52055.770 Quality Education Investment Act
52176 Advisory committees
52500-52617 Adult education
52800-52887 School-Based Program Coordination Act
52890 Qualifications and duties of outreach consultants
54000-54028 Educationally Disadvantaged Youth Programs
54100-54145 Miller-Unruh Basic Reading Act
54425 Advisory committees (compensatory education)
54650-54659 Education Improvement Incentive Program
56000-56867 Special education
64000 Categorical programs included in consolidated application
64001 Single school plan for student achievement, consolidated application programs
HEALTH AND SAFETY CODE
104420 Tobacco use prevention
CODE OF REGULATIONS, TITLE 5
3930-3937 Compliance plans
UNITED STATES CODE, TITLE 20
6311 Accountability, adequate yearly progress
6312-6319 Title I programs; plans
6421-6472 Programs for neglected, delinquent, and at-risk children and youth
6601-6651 Teacher and Principal Training and Recruitment program
6801-7014 Limited English proficient and immigrant students
7101-7165 Safe and Drug-Free Schools and Communities
7341-7355c Rural Education Initiative

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, February 2013

WEST ED PUBLICATIONS

California Healthy Kids Survey

California School Climate Survey

WEB SITES

California Department of Education, Single Plan for Student Achievement:

<http://www.cde.ca.gov/nclb/sr/le/singleplan.asp>

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

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

CSBA Sample

Administrative Regulation

School Plans/Site Councils

AR 0420

Philosophy, Goals, Objectives and Comprehensive Plans

School Site Councils

Note: Education Code 52852 requires the establishment of a school site council at each school that participates in School-Based Program Coordination. In addition, Education Code 64001 requires that each school have a school site council, or other advisory committee that meets the requirements of Education Code 52852, to develop and review the school's single plan for student achievement (SPSA) for any categorical programs included in the state's consolidated application; see section "Single Plan for Student Achievement" below.

Note: For information about the organization of the school site council, including sample school site council bylaws that address duties, membership, officers, subcommittees, and meetings, see the California Department of Education's (CDE) publication A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, available on the CDE's web site.

School site councils shall be established when required for participation in a categorical program. (Education Code 52852, 64001)

(cf. 0420.1 - School-Based Program Coordination)

The school site council shall be composed of the following: (Education Code 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel selected by the school's other personnel
4. Parent/guardian representatives, who may include parents/guardians of students attending the school and/or community members, selected by parents/guardians of students attending the school

***Note: Education Code 52852 requires that secondary schools include students on their school site council. Pursuant to Education Code 52 and 53, secondary schools include high schools and junior high schools. The CDE's publication A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council advises that middle schools may include student representation on the school site council at the district's discretion. If the

district does determine that middle schools should include students on their school site council, then such councils must meet the composition required of secondary schools as noted in the paragraph below item #5.***

5. In secondary schools, students attending the school selected by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For elementary school site councils, the remaining half shall be parent/guardian representatives. For secondary school site councils, the remaining half shall be equal numbers of parent/guardian representatives and students. (Education Code 52852)

A district employee may serve as a parent/guardian^{community} representative on the school site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

Note: The method of selecting members of school site councils is not specified in law, except that members must be chosen by peers as noted above. No additional membership qualifications may be required. The CDE's publication A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council suggests that the selection process may be addressed in Board policy or in bylaws of the school site council. The following optional paragraph may be revised to reflect district practice.

The bylaws of each school site council shall include the method of selecting members and officers, terms of office, responsibilities of council members, time commitment, and a policy of nondiscrimination.

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, 52870, 54425; 5 CCR 3932)

Note: Pursuant to Education Code 35147, school site councils and some advisory committees are exempt from open meeting law requirements (the Brown Act), but must comply with other, less complex procedural requirements as specified; see AR 1220 - Citizen Advisory Committees.

School site councils shall operate in accordance with procedural meeting requirements established in Education Code 35147.

(cf. 1220 - Citizen Advisory Committees)

Single Plan for Student Achievement

Note: The following section reflects requirements pertaining to the development of the SPSA required for the state and federal categorical programs included in the consolidated application (Education Code 64000-64001) and the Quality Education Investment Act (Education Code 52055.700-52055.770). The CDE has developed a template for the SPSA, available on its web site, to help schools meet plan requirements.

In order for a school to participate in any state or federal categorical program specified in Education Code 52055.700 or 64000 on an ongoing basis, the school site council shall approve and annually review and update a single plan for student achievement (SPSA). If the school does not have a school site council, these responsibilities shall be fulfilled by a schoolwide advisory group or school support group conforming to the composition requirements of the school site council listed in the section "School Site Councils" above. (Education Code 52055.755, 64001)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 0520.4 - Quality Education Investment Schools)
(cf. 1431 - Waivers)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 4131 - Staff Development)
(cf. 5147 - Dropout Prevention)
(cf. 6020 - Parent Involvement)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6151 - Class Size)
(cf. 6164.2 - Counseling/Guidance Services)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6184 - Continuation Education)

The SPSA shall be developed with the review, advice, and certification of any applicable school advisory committees. (Education Code 64001)

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

Such groups may include, but are not limited to, advisory committees established for categorical programs such as English learner, special education, gifted and talented education, and Economic Impact Aid programs; Western Association of Schools and Colleges leadership teams; district or school liaison teams for schools identified for program improvement; and other committees established by the school or district.

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6190 - Evaluation of the Instructional Program)

Note: Pursuant to Education Code 64001, the SPSA must be based upon an analysis of verifiable state data, including the Academic Performance Index and the California English Language Development Test, and may include other district data on student achievement. The CDE's publication A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council recommends that such data could include results of other state assessments, "adequate yearly progress" as measured pursuant to 20 USC 6311, and local benchmark and curriculum-embedded assessments. The following paragraph may be revised to include any additional measures required by the district.

The SPSA shall be aligned with school goals for improving student achievement. School goals shall be based on an analysis of verifiable state data, including the Academic Performance Index (API) and the California English Language Development Test, and may consider any other data developed by the district to measure student achievement. (Education Code 64001)

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

The SPSA shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through specified categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by the API
2. Identify the means of evaluating the school's progress toward accomplishing those goals
3. Identify how state and federal law governing the categorical programs will be implemented

Note: The CDE's publication *A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council* clarifies that the SPSA must address all plan components required for individual categorical programs covered by the SPSA. For example, the SPSA for a school that participates in School-Based Program Coordination must include the plan requirements for that program as specified in AR 0420.1 - School-Based Program Coordination.

In addition to meeting the requirements common to all applicable school plans, the SPSA shall address any content required by law for each individual categorical program in which the school participates.

Note: The remainder of this section reflects steps recommended in the CDE's publication *A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council* and may be revised to reflect district practice.

In developing or revising the SPSA, the school site council or other schoolwide advisory group or school support group shall:

1. Analyze student achievement data. Using measures of student academic performance, the school shall identify significant patterns of low performance in particular content areas, student groups, and/or individual students and determine which data summaries to include in the plan as most informative and relevant to school goals.

(cf. 6011 - Academic Standards)

Note: To measure the effectiveness of the school's current instructional program, as provided in item #2 below, the CDE's publication *A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council* recommends a number of state tools available on the CDE web site, including, but not limited to, the Academic Program Survey, District Assistance Survey, Inventory for School Services, and English Learner Subgroup Self-Assessment. In addition, the California School Climate Survey and California Healthy Kids Survey, available on WestEd's web site, are recommended to help assess the need for support services.

2. Assess the effectiveness of the school's instructional program in relation to the analysis of student data.

3. Identify a limited number of achievement goals and key improvement strategies to achieve the goals. School goals shall reflect the needs identified at the school site while aligning with goals identified in federally required district plans. The school shall specify the student group(s) on which each goal is focused, the methods or practices that will be used to reach the goal, and the criteria that will be used to determine if the goal is achieved.

Note: The CDE has developed a budget planning tool to assist schools with projecting the estimated expenditures of their SPSA goals against the school's allocations from the consolidated application. The budget planning tool is available on the CDE's web site and is included in the publication *A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council*.

4. Define timelines, personnel responsible, proposed expenditures, and funding sources to implement the SPSA.

The school site council or other schoolwide group shall approve the proposed SPSA at a meeting for which public notice has been posted and then submit the SPSA to the Governing Board for approval. (Education Code 35147, 64001)

Note: The CDE's publication *A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council* states that it is the responsibility of the school site council to monitor the effectiveness of the SPSA and modify activities when needed. The guide contains an annual evaluation tool to assist school site councils in assessing the effectiveness of the plan.

The school site council or other schoolwide group shall regularly monitor the implementation and effectiveness of the SPSA and modify any activities that prove ineffective. At least once per year, the school shall evaluate results of improvement efforts and report to the Board, advisory committees, and other interested parties regarding progress toward school goals.

The school site council or other schoolwide group may amend the SPSA at any time. Any revisions that would substantively change the academic programs funded through the consolidated application shall be submitted to the Board for approval.

(7/05 11/06) 8/13

CSBA Sample

Administrative Regulation

Title I Program Improvement Schools

AR 0520.2

Philosophy, Goals, Objectives and Comprehensive Plans

Note: The following optional administrative regulation reflects the requirements of federal and state law for Title I schools identified for program improvement (PI) for failing to make "adequate yearly progress" (AYP) for two or more consecutive school years.

Definitions

Note: 20 USC 6311 requires each state to identify measurable objectives to be included in its definition of AYP, based primarily on academic assessments but also graduation rate and, at the state's discretion, other valid and reliable indicators. Specific indicators used by the State Board of Education (SBE) to define AYP are described in the state's federally approved Accountability Workbook and are subject to change. The SBE has also defined the minimum number of students required for a report of subgroup results as either 100 students with valid test results or 50 students in those cases where the subgroup constitutes at least 15 percent of the students at the school with valid test scores.

Adequate yearly progress (AYP) refers to a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API). AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

(cf. 0500 - Accountability)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Program improvement (PI) school refers to a school that is receiving federal Title I funds and has failed to make AYP for each of two consecutive school years. (20 USC 6316)

***Note: The following paragraph reflects state criteria for identifying schools that have failed to make AYP for two or more consecutive years. If the district does not have any schools that are too small to generate a school-level report, the district may revise the paragraph to delete language regarding the aggregation of the results of small schools into a district accountability

measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) Adequate Yearly Progress Report Information Guide.***

A school shall be identified for PI by the California Department of Education (CDE) whenever, for each of two consecutive years, it either does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. If a small school has too few students to generate a school-level report, its results shall be aggregated into a district accountability measure.

Year 1 Program Improvement

When any Title I school is initially identified for PI: (20 USC 6316)

Note: 20 USC 6316 allows students to transfer out of a PI school into another school, which may include a charter school, served by the district. See the section "Student Transfers" below for requirements related to such transfers. If all district schools are identified for PI, the district is required, when practicable, to develop an interdistrict transfer agreement to allow for the transfer of such students to a school outside the district. Districts whose schools are all identified for PI may revise item #1 below accordingly.

1. The Superintendent or designee shall provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.

(cf. 0420.4 - Charter School Authorization)
(cf. 5116.1 - Intradistrict Open Enrollment)

2. Not later than three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two-year period and address the components specified in 20 USC 6316.

(cf. 6020 - Parent Involvement)

Note: The following paragraph is optional. Information on the CDE's web site indicates that a school could fulfill the requirement for a two-year school improvement plan by revising its Single Plan for Student Achievement, developed pursuant to Education Code 64000-64001, to reflect the requirements of 20 USC 6316.

To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.

(cf. 0420 - School Plans/Site Councils)
(cf. 6171 - Title I Programs)

3. Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with its review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.

4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.

5. As the school develops and implements the school plan, the Superintendent or designee shall ensure that the school receives technical assistance from the district, CDE, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in:

a. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan

b. Identifying and implementing professional development, instructional strategies, and methods of instruction that are derived from scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI

c. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

(cf. 3100 - Budget)

Year 2 Program Improvement

For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall take all of the following actions: (20 USC 6316)

1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers"

2. Arrange for the provision of supplemental educational services (SES) to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below in the section "Supplemental Educational Services"

3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above

Year 3 Program Improvement: Corrective Action

When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI specified above. In addition, the Board shall take one or more of the following corrective actions: (20 USC 6316)

1. Replace school staff relevant to the failure

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4314 - Transfers)

2. Implement a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Significantly decrease management authority at the school level

4. Appoint an outside expert to advise the school

5. Extend the school year or school day for the school

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

6. Restructure the internal organization of the school

Note: The following paragraph is optional. Pursuant to Education Code 53300-53303 (the Parent Empowerment Act) and 5 CCR 4800-4808, when a school is identified for Year 3 PI (corrective action) and meets other specified criteria, the parents/guardians of that school may petition the district to implement one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as these models are described in 5 CCR 4803-4807. The district must notify the Superintendent of Public Instruction and the SBE when it receives such a petition and when it takes action on the petition. This option is limited to 75 schools statewide.

Whenever a school is identified for Year 3 PI, continues to fail to make AYP, has an API of less than 800, and is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the district to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR

4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)

Year 4 Program Improvement and Beyond: Restructuring

For any school that continues to fail to make AYP after one full year of corrective action, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school. In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)

1. Reopen the school as a charter school
2. Replace all or most of the school staff relevant to the failure
3. Enter into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turn the operation of the school over to the CDE
5. Institute any other major restructuring of the school's governance arrangements that makes fundamental reforms

Notifications

Note: 20 USC 6316 and 34 CFR 200.37 require the following notification to parents/guardians. Templates that can be used by the district to develop the notification for any year of PI, as well as translations in many languages, are available on the CDE's web site.

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem

5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI

Note: Specific requirements for the notifications described in items #6 and 7 are addressed below in the sections "Student Transfers" and "Supplemental Educational Services," respectively. If all the district's schools are PI schools, the district may revise item #6 below to reflect interdistrict attendance agreements, if any, that the district has established with other district(s) pursuant to 20 USC 6316.

6. An explanation of the option to transfer to another school within the district, as described below in the section "Student Transfers"

7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain SES for their child as described below in the section "Supplemental Educational Services"

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)

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

All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316; 34 CFR 200.36)

Note: 20 USC 6316 and 34 CFR 200.48 require districts to spend at least 20 percent of district Title I funds for costs related to SES, transportation for student transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 authorizes districts to spend less than 20 percent if they provide timely, accurate notifications as described above and partner with outside groups to inform students and families, as provided below. The following paragraph is optional.

To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES. (34 CFR 200.48)

Student Transfers

***Note: As noted above, 20 USC 6316 requires any school in Year 1 of PI or beyond to

provide all students in that school with an opportunity to transfer to another school, which may include a charter school, served by the district.***

Note: 34 CFR 200.44 provides that a district subject to a desegregation plan, whether voluntary, court-ordered, or required by a federal or state administrative agency, is not exempt from the requirement to allow such transfers. However, the district may take into account the requirements of the desegregation plan in determining how to provide students with the option to transfer to another school.

Note: Because the district is required to offer intradistrict transfers to all students in PI schools, it is recommended that the district give priority to such students in its intradistrict open enrollment policy; see BP 5116.1 - Intradistrict Open Enrollment.

Note: Pursuant to 20 USC 6316, if all district schools are identified for PI, the district is required to develop an interdistrict transfer agreement when practicable. Such districts may revise the following section accordingly.

All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another school, which may include a charter school, served by the district provided that the school: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for PI, corrective action, or restructuring

In the event that all district schools are identified for PI, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for interdistrict transfers.

(cf. 5117 - Interdistrict Attendance)

Note: Districts must offer students attending a school identified as "persistently dangerous" by the CDE the opportunity to transfer to another district school. See BP/AR 5116.1 - Intradistrict Open Enrollment for a definition of "persistently dangerous" and other conditions regarding this type of transfer.

2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994

(cf. 0450 - Comprehensive Safety Plan)

Note: U.S. Department of Education (USDOE) nonregulatory guidance (Public School Choice) clarifies that, although all students in PI schools must be given an option to transfer, 20 USC 6316 and 34 CFR 200.44 give priority to the lowest achieving students from low-income families. This could mean giving those students their first choice of schools and/or first priority for transportation services if funds are limited. For these purposes, the district must determine family income on the same basis that the district uses to make Title I allocations to schools.

Among the students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

Note: 34 CFR 200.44 indicates that lack of capacity is not a permissible reason to deny transfer opportunities to students. The USDOE guidance reiterates that districts must either create additional capacity or provide choices of other schools. Thus, districts must ensure that nothing in their parental notification letter or transfer application implies that choice may be limited due to a lack of capacity. When capacity is an issue, the district might consider portable classrooms, reassignment of teachers, distance learning programs, the establishment of new charter schools, or other options.

The Superintendent or designee may consider school capacity in selecting schools that will be offered as alternatives for school choice, but shall not use the lack of school capacity to deny transfer opportunities to students. The district may increase capacity in eligible district schools to accommodate all students who wish to transfer.

Note: 34 CFR 200.37 and 200.44 require that districts notify parents/guardians of their transfer option no later than 14 calendar days before the start of the school year. However, it is sometimes difficult for districts to meet this deadline because of the timing of California's assessment results and of the identification of PI schools. When necessary, the CDE will notify PI schools of an alternate date by which they must send this notification. Pursuant to 34 CFR 200.32, under no circumstances may a district wait an additional school year (until the second school year following the one in which assessments that led to the failure to make AYP were administered) before offering the transfer option to eligible students.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year or on a date otherwise determined necessary by the CDE. (34 CFR 200.37, 200.44)

Note: 34 CFR 200.37 contains requirements for the content of the notice that must be provided to parents/guardians whenever a school is identified for PI, corrective action, or restructuring, which include the content described in items #5-6 below related to school choice. The USDOE guidance describes additional requirements that the notice should contain (items #1-4 below). These requirements are incorporated into the sample parental notification available on the CDE's web site.

Notice of the transfer option shall:

1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another school, including a charter school, served by the district
2. Identify each school that the parent/guardian may select
3. Explain why the choices made available to the parents/guardians may have been limited

Note: According to the USDOE guidance, parents/guardians do not necessarily need to be guaranteed their first choice of schools. Item #4 reflects language in the guidance that authorizes, but does not require, districts to develop a system of rank-ordering preferences. See E(1) 0520.2 for a sample form that may be used for parent/guardian requests for student transfers.

4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank-order their preferences of eligible schools as appropriate
5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)

Note: 34 CFR 200.37 requires that the notice explain the provision of transportation, as provided in item #6 below. According to the USDOE guidance, the notice should include a discussion of how transportation will be provided or paid for and, if the district anticipates that it will not have sufficient funds to provide transportation to all eligible students requesting a transfer, information on how the district will set priorities to determine which students will receive transportation.

6. Explain the provision of transportation to the new school (34 CFR 200.37)

Note: 34 CFR 200.37 describes additional content that may be included in the notice at the district's discretion. The following optional paragraph may be revised as desired.

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

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

(cf. 5148.2 - Before/After School Programs)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

(cf. 1100 - Communication with the Public)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.

The district shall prominently display on its web site, in a timely manner each school year, a list of available schools to which eligible students may transfer in the current school year. The district shall also display data on the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

Note: The following optional paragraph may be revised to reflect district practice. According to the USDOE guidance, the district may set a reasonable deadline by which parents/guardians must respond to the offered school assignment, as long as parents/guardians have sufficient time and information to make an informed decision.

In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.

Note: If a student exercises the option to transfer to another school within the district, 20 USC 6316 and 34 CFR 200.44 require the district to provide or pay for the student's transportation to that school. The USDOE guidance clarifies that, if the district does not offer transportation services to its students, it will be required to reimburse parents/guardians for the costs of providing transportation or for using public transportation. This requirement is an exception to state and federal law for other types of intradistrict transfers for which the district is not obligated to provide or pay for transportation; see BP 5116.1 - Intradistrict Open Enrollment.

Note: In cases where all district schools are identified for PI and the district has developed an interdistrict transfer agreement pursuant to 20 USC 6316, the provision of transportation to transfer students must be determined by an agreement between the cooperating districts. Such districts may revise the remainder of this section accordingly.

The district shall provide, or shall pay for the provision of, transportation to the district school which the student chooses to attend. (20 USC 6316; 34 CFR 200.44)

(cf. 3540 - Transportation)

***Note: The USDOE guidance states that districts have flexibility to establish transportation zones based on geographic location. The following optional paragraph is based on the authority

in the USDOE guidance and may be revised to reflect district practice.***

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location within the district. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

(cf. 3541 - Transportation Routes and Services)

Any student who transfers to another district school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)

Supplemental Educational Services

Note: As described above, 20 USC 6316 and 34 CFR 200.45 require the district to make SES available to students from low-income families whenever a school is in Year 2 of PI or beyond. For these purposes, the district must determine family income on the same basis that it uses to make Title I allocations to schools. Parents/guardians are allowed to select SES within the district or in neighboring local educational agencies from a list of entities approved by the SBE. USDOE nonregulatory guidance (Supplemental Educational Services) indicates that parents/guardians also may select a provider that is accessible through technology, such as e-learning, online, or distance learning technology.

When required by law, SES shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)

(cf. 6011 - Academic Standards)

(cf. 6179 - Supplemental Instruction)

Note: 20 USC 6316 and 34 CFR 200.37 address the content of the notification that must be issued when a school is required to provide SES. These requirements are incorporated into the sample parental notification letters available on the CDE's web site.

When a school is required to provide SES, the Superintendent or designee shall provide annual notice to parents/guardians that includes: (20 USC 6316; 34 CFR 200.37)

1. The availability of SES
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies

3. The identity of approved providers of technology-based or distance learning services
4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency
5. The benefits of receiving SES

Note: The USDOE guidance suggests that the notification also include procedures and timelines for selecting a provider. The following paragraph is optional.

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.

The district shall prominently display on its web site, in a timely manner each school year, a list of state-approved providers serving the district in the current year and the location where services are provided. The district shall also display the number of students who were eligible for and who participated in SES, beginning with data from the 2007-08 school year. The district shall also require the district to spend 20 percent of its Title I funds on costs related to SES, transportation for transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 specifies that, in order to spend less than 20 percent, a district must distribute sign-up forms for SES, establish at least two enrollment windows, and make school facilities available to eligible providers, as provided below. The following three paragraphs are optional.***

Note: See E(2) for a sample service request form.

The Superintendent or designee shall distribute sign-up forms for SES directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the ^{into} ~~time~~ ^{time line} established by the district.***

Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a SES provider from among those approved by the SBE. Upon

request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)

The district shall not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. (5 CCR 13075.9)

Note: A district may apply to become a SES provider as long as it meets the qualifications specified in 5 CCR 13075.1 and is approved by the SBE in accordance with the procedure described in 5 CCR 13075.2. 5 CCR 13075.5 lists conditions under which a provider's status may be terminated by the SBE. The following optional paragraph is for use by districts that have been approved as service providers.

When the district is an approved SES provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.

No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)

(cf. 9270 - Conflict of Interest)

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate SES with any necessary accommodations or language assistance. (34 CFR 200.46)

(cf. 6159 - Individualized Education Program)

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

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

(cf. 6174 - Education for English Language Learners)

Note: The USDOE guidance clarifies that, if SES providers are unable to provide necessary accommodations or language assistance to students with disabilities, students covered under Section 504, or students who are English learners, districts are obligated to provide or contract for such services with accommodations or language assistance, as provided below.

If no provider is able to make the services available to such students, the district shall provide the services with necessary accommodations or language assistance, either directly or through a contract. Services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan, as applicable.

If available funds are insufficient to provide SES to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)

Note: The USDOE guidance notes that districts should establish fair and equitable procedures for selecting students to receive services if a particular provider does not have the capacity to serve all students who have selected that provider. The guidance encourages districts to consider allocating available spaces consistent with the priority to serve the lowest achieving eligible students. The following paragraph is optional.

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a SES provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)

1. Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.
4. Contain provisions with respect to the district making payments to the provider.

Note: USDOE correspondence dated August 10, 2007, clarifies that, although providers are prohibited from disclosing student information to third parties without consent, the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.8) does not prohibit providers from using contact information they obtain from the district to notify parents/guardians regarding their services.

5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving SES.

(cf. 5125.1 - Release of Directory Information)

In developing the student learning plan as required by item #1 above, the Superintendent or designee shall consult with the parent/guardian of each student to, at a minimum, provide the parent/guardian an opportunity to express his/her views and have them considered. Consultation may include, but is not limited to, communication by telephone, email, home visits, parent/guardian meetings, and/or parent/guardian signature(s). Evidence of this consultation shall be included in the student learning plan. In the event that a consultation does not take place but the parent/guardian has selected an approved SES provider, the Superintendent or designee, or the provider acting on the district's behalf, shall show evidence of at least three separate attempts

to contact the parent/guardian using at least two different means of communication. If the parent/guardian elects not to participate in the consultation, the Superintendent or designee, or approved provider acting on the district's behalf, must develop a student learning plan for the student. (5 CCR 13075.7)

The Superintendent or designee may request, but not require, that the SES provider develop the student learning plan on behalf of the district for each student served by the provider as indicated in the agreement. In such cases, the Superintendent or designee shall make available to the provider pertinent student academic achievement data with parent/guardian permission and other technical assistance that will facilitate the development of the plan. The Superintendent or designee shall maintain responsibility to review and approve the student learning plan to ensure that it is developed in consultation with the parent/guardian and contains all required information. (5 CCR 13075.7)

Eligible SES providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)

(cf. 1330 - Use of School Facilities)

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Employee Notifications

Note: The following exhibit lists notices which the law requires be provided to employees. Unless otherwise indicated, code numbers below refer to Education Code sections.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Legal Code: Education Code 231.5, Government Code 12950, 2 CCR 7288.0
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually to all employees
Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide product, active ingredients, Internet address to access information

When/Whom to Notify: To all employees, prior to _____
Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: AR 6112
Subject: Public hearing on year-round implementing year-round program schedule

When/Whom to Notify: To all employees, prior to implementing block schedule
Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: AR 6112
Subject: Public hearing on block schedule

When/Whom to Notify: Annually to all employees
Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 3260
Subject: Uniform complaint procedures, available appeals, civil law remedies, identity of coordinator, complaints about student fees

When/Whom to Notify: To all employees
Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: Prior to beginning employment
Legal Code: Government Code 3102
Board Policy/Administrative Regulation #: AR 4112.3/4212.3/4312.3
Subject: Oath or affirmation of allegiance required of public employees

When/Whom to Notify: To all employees
Legal Code: Government Code 8355; 41 USC 8102
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school and annually thereafter
Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus

When/Whom to Notify: To all employees, if the district receives Tobacco-Use Prevention Education funds
Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually to all employees
Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: AR 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To covered employees and former employees
Legal Code: Labor Code 2800.2
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: Upon employment or by end of first pay period
Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Prior to beginning employment
Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment, and when employee goes on leave for specified reasons
Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To all employees via employee handbook, or to each new employee

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Benefits through Family and Medical Leave Act

When/Whom to Notify: To all employees and job applicants

Legal Code: 34 CFR 104.8, 106.

Board Policy/Administrative Regulation #: BP 0410, BP 4030

Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: Annually to all employees

Legal Code: 40 CFR 763.84, 763.93

Board Policy/Administrative Regulation #: AR3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement compensation limitation

When/Whom to Notify: To certificated employees

Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation

Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request to notify district of intent to remain in service for the following school year; copy of law

When/Whom to Notify: To certificated employees upon employment
Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment
Legal Code: Education Code 44929.21
Board Policy/Administrative Regulation #: AR 4117.6
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause
Legal Code: Education Code 4493
Board Policy/Administrative Regulation #: AR 4117.4, AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct
Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice

When/Whom to Notify: To probationary employees 30 days prior to dismissal, or not later than March 15 for second- year probationary employees
Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4117.4
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: To probationary employees in districts with less than 250 ADA, before

notice of nonreelection but no later than March 15, with final notice by May 15

Legal Code: Education Code 44948.5

Board Policy/Administrative Regulation #: AR 4117.4

Subject: Recommendation of nonreelection notice for reason other than personnel reduction; statement of reasons upon request

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: On or before June 30, to temporary employee who served 75 percent of school year but will be released

Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: To teacher, when student engages in or is reasonably suspected of specified acts

Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: To classified employee charged with mandatory leave of absence offense, in merit system district

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of intent to dismiss in 30 days

When/Whom to Notify: When classified employee is subject to disciplinary action for cause, in nonmerit district

Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, procedures, and employee rights

When/Whom to Notify: To classified employees, at least 60 days prior to layoff, or by April 29 if specially funded program is expiring at end of school year

Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff and reemployment rights

When/Whom to Notify: To classified employees upon employment and upon each change in classification

Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To classified permanent employee whose leave is exhausted

Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus and school activity bus drivers upon employment and at least once a year thereafter

Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3514

Subject: Limitation on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment

Legal Code: 49 CFR 382.601

Board Policy/Administrative Regulation #: BP 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the release or reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the

following school year

Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: Prior to placing derogatory information in personnel file

Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: Notice or training to employee with access to confidential information

Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: Within one working day of work-related injury or victimization of crime at workplace

Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: To any employee with exposure to bloodborne pathogens, upon initial employment and at least annually thereafter

Legal Code: 8 CCR 3204, 5193

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation

Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Any presence of hazardous substances in the work area, location and availability of hazard communication program, new safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Whether or not employee is eligible for FMLA leave, rights and obligations; consequences of failure to meet obligations

(7/12) 4/13

Postretirement Employment

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: The following optional administrative regulation addresses the legal requirements related to the rights and benefits provided by law to retired members of the State Teachers' Retirement System (STRS) when they are hired by the district after their retirement.

When necessary, the district may, subject to specific legal requirements, hire a qualified retired certificated individual who possesses the knowledge and experience needed to perform specialized work or service for the district, as an employee, the employee of a third party, or an independent contractor/consultant.

(cf. 3600 - Consultants)
(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4112 - Appointment and Conditions of Employment)

Note: Pursuant to Education Code 24214, retired members of STRS may be hired to perform work that would normally accrue service credit in STRS (creditable service). Such retired individuals are allowed to receive compensation for rendered services without reduction in their retirement allowance, as long as the compensation does not exceed the compensation limit computed and adjusted annually by STRS.

Any retired certificated individual who is a member of the defined benefit program of the State Teachers' Retirement System (STRS) and who is hired by the district to perform any service pursuant to Education Code 22119.5 or 26113 shall be paid at a rate commensurate with that of other district employees performing comparable duties. However, such a retired individual shall not make contributions to the retirement fund or accrue service credits based on compensation earned from that service. (Education Code 24214)

***Note: Education Code 24214.5 prohibits retired STRS members from performing creditable service by returning to postretirement employment for at least six months after their retirement. A return to creditable service during the six-month period may result in a dollar for dollar loss on a retiree's retirement allowance. Pursuant to Education Code 24214.5, as amended by AB 340 (Ch. 296, Statutes of 2012), a retired individual may be exempted from this prohibition if he/she

has attained the normal retirement age and certain conditions are met, including not receiving any financial inducement to retire. Such a retired individual shall nevertheless be subject to the postretirement compensation limitation specified in Education Code 24214.***

No retired certificated individual who is a member of STRS shall be hired by the district for at least six calendar months after his/her retirement from service unless he/she has attained the normal retirement age. Such hiring shall only be made with Governing Board approval in a public meeting, as reflected in a resolution that shall include information about the nature of the appointment and the following findings: (Education Code 24214.5)

1. The appointment is necessary to fill a critically needed position before 180 days have passed.
2. The retired individual is eligible for this exemption because he/she did not receive additional service credit pursuant to Education Code 22714 or 22715 or a financial inducement to retire.
3. The retired individual's termination of employment with the district is not the basis for the need to acquire the services of the retired individual.

(cf. 9320 - Meetings and Notices)

Note: Special rules apply to the hiring of an individual receiving a STRS disability allowance and the district should consult STRS and legal counsel prior to employing any such disability allowance recipient.

Postretirement Compensation Limitation

Note: Education Code 22461 requires the district to notify retired individuals of the postretirement compensation limitation, but expressly immunizes the district against liability for any amount paid in excess of the limitation or for failing to inform the retired individual that continuation of service would exceed the limitation.

Whenever the district retains the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24214 or 24214.5 or any other applicable law
2. Maintain accurate records of the retired individual's compensation and report it monthly to STRS and the individual, regardless of the method of payment or the fund from which the payments are made

When employing a retired individual who is eligible for any exemption from the postretirement compensation limitation, the Superintendent or designee shall submit to STRS all required documentation to substantiate eligibility for the exemption. (Education Code 24214, 24214.5)

Legal Reference:

EDUCATION CODE

- 22119.5 Creditable service, definition
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22715 Additional service credit
- 22716 Unpaid services
- 24116 Service at California State University
- 24214 Creditable service by retiree
- 24214.5 Postretirement compensation limit; members below normal retirement age
- 24215 Service at California State University
- 26113 Creditable service, definition
- 35046 Consultancy contracts
- 41320.1 Appointment of trustee
- 42120-42129 Budget completion
- 44830 Employment of certificated employees
- 44830.3 Employment of district interns
- 44929 Service credit under STRS; additional two years
- 44929.1 2+2 service and year credit option under STRS
- 52055.57-52055.60 Local Educational Agency Intervention program

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

A

Employees With Infectious Disease

Note: The following optional policy may be revised to reflect district practice. Because infectious diseases may be either highly communicable (e.g., influenza, chicken pox) or not casually transmitted (e.g., HIV/AIDs, hepatitis B, hepatitis C), the district's response to an employee with infectious disease should be dependent on any legal protections established for employees and take into consideration the potential risk to students, staff, and others.

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Note: The following definitions reflect information from the Centers for Disease Control and Prevention (CDC) web site.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

Note: Pursuant to Education Code 49406, prior to beginning employment in a classified or certificated position, an applicant must provide evidence that he/she has taken an approved tuberculin test and is free of active tuberculosis. In addition, when the district is filling a certificated position with an applicant who has not previously been employed in a certificated position in California or a retirant who has not previously been employed as a retirant, Education Code 44839 and 44839.5 require the applicant or retirant to provide a medical certification that he/she is free from any disabling disease that renders him/her unfit to instruct children or associate with them. The sample medical certificate provided in 5 CCR 5504 includes an assessment of whether there is evidence of infectious disease in a communicable stage. For further information, see AR 4112.4/4212.4/4312.4 - Health Examinations.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Note: CDC recommends that districts develop contingency plans for dealing with an infectious disease outbreak. These contingency plans may be developed with the involvement of local health agencies and/or health care providers and should be incorporated into the district's emergency and disaster preparedness plan. See BP 5141.22 - Infectious Diseases and AR 3516 - Emergencies and Disaster Preparedness Plan as well as CSBA's fact sheets on Pandemic Influenza and H1N1 Influenza (Swine Flu).

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.31 - Immunizations)

Note: For the protection of the public health, 17 CCR 2500 and 2508 require specified persons to report communicable diseases to the local health officer, as provided below. The list of reportable diseases is available on the California Department of Public Health's (CDPH) web site. Local health departments may establish additional reporting requirements.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

(cf. 5141.6 - School Health Services)

Nondiscrimination/Reasonable Accommodation

Note: The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996) prohibit discrimination in employment on the basis of disability. Under the ADA and FEHA, an individual is considered to be disabled if he/she has a physical or mental impairment that limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. According to the CDPH publication California HIV/AIDS Laws, 2009, individuals with clinical HIV disease or AIDS meet the definition of disabled. Court opinions have conflicted as to whether persons with asymptomatic HIV infection meet this definition and districts should consult legal counsel as necessary.

***Note: In addition, Section 504 of the Federal Rehabilitation Act of 1973 provides that no otherwise qualified person may, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be

subjected to discrimination under any program or activity receiving federal financial assistance. In *School Board of Nassau County, Florida v. Arline*, the U.S. Supreme Court extended this law's protection to employees significantly impaired by infectious diseases.***

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Note: Both the ADA (42 USC 12101-12213) and FEHA (Government Code 12900-12996) require employers to reasonably accommodate employees and job applicants with known disabilities; see AR 4032 - Reasonable Accommodation.

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

(cf. 4032 - Reasonable Accommodation)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

49406 Examination for tuberculosis (employees)

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2

7293.5-7294.2 Discrimination based on disability

CODE OF REGULATIONS, TITLE 5

5502-5504 Medical certification

CODE OF REGULATIONS, TITLE 17

2500 Reportable diseases and conditions

2508 Reporting of communicable diseases; duty of schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045

School Board of Nassau County, Florida v. Arline, (1987) 408 U.S. 273

Management Resources:

CSBA PUBLICATIONS

H1N1 Influenza (Swine Flu), Fact Sheet, April 2009

Pandemic Influenza, Fact Sheet, September 2007

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

California HIV/AIDS Laws, 2009, January 2010

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES

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

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

California School Nurses Organization: <http://www.csno.org>

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

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

U.S. Department of Health and Human Services: <http://www.hhs.gov>

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Health And Welfare Benefits

Note: The following optional policy should be revised to reflect district practice and collective bargaining agreements. Districts contracting to participate in the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944, should revise the following policy and accompanying administrative regulation to reflect the requirements of that program.

The district shall provide health and welfare benefits for employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)

Note: Districts should select or revise the appropriate option below to reflect district practice regarding employees who are not in bargaining units. Districts selecting Option 2 should expand this policy or accompanying administrative regulation to specify benefits for unrepresented employees. Also see BP 4121 - Temporary/Substitute Personnel.

OPTION 1: Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

(cf. 4300 - Administrative and Supervisory Personnel)

OPTION 2: Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

(cf. 4121 - Temporary/Substitute Personnel)

Note: Pursuant to 26 USC 105 and 26 CFR 1.105-11, self-insured medical expense reimbursement plans are prohibited from discriminating in favor of "highly compensated" individuals as to eligibility to participate or level of benefits provided under the plan. The federal Patient Protection and Affordable Care Act (P.L. 111-148) amended 42 USC 300gg-16 to extend this requirement to non-self-insured group health plans. Implementation of this provision with respect to group health plans was delayed but, according to IRS Notice 2011-1, will take effect for health plan years beginning in 2013 and reported in 2014. As defined in 26 USC 105(h), "highly compensated" individuals are those who are among the highest paid 25 percent of all employees, with specified exceptions.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

***Note: Pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses under California law. This law was not affected by the passage of Proposition 8 (2008). Therefore, to the extent that the district provides health benefit coverage to spouses of employees pursuant to state law, the same coverage must be provided to registered domestic partners. Pursuant to Health and Safety Code

1374.58, health care service plans and health insurers are required to provide registered domestic partners coverage that is equal to the coverage provided to spouses.***

Note: However, the federal Defense of Marriage Act (1 USC 7) defines marriage for purposes of benefits under federal law as a "union between a man and a woman." Thus, in those cases where federal law grants greater benefits than state law, it is questionable whether those greater benefits also extend to registered domestic partners. Districts with questions about the status of benefits for registered domestic partners or spouses of same-sex marriages should consult legal counsel as appropriate.

For purposes of granting benefits pursuant to state law, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child.
(Family Code 297.5)

Note: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) specifies actions that a health plan, health care provider, or health care clearinghouse must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release.

Note: Civil Code 56.20-56.245 address an employer's responsibility to maintain the confidentiality of medical information it receives.

The Superintendent or designee shall not use or disclose any medical information the district possesses pertaining to an employee without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Continuation of Coverage

Note: Education Code 7000-7005 provide for continued health and dental care benefits for retired certificated employees and their spouses/domestic partners. In addition, for districts with 20 or more employees, continued health and disability benefits for former classified and certificated employees and their qualified beneficiaries are addressed in the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10). For districts with 2-19 employees, continued health and disability benefits for former employees and their qualified beneficiaries are addressed in the California Continuation Benefits Replacement Act (Cal-COBRA) (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs provide continuation coverage for limited time periods and under limited conditions. The following section reflects the general purposes of these programs; see the accompanying administrative regulation for a summary of major program requirements.

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

***Note: Covered employees and their qualified beneficiaries who elect continuation coverage may be required to pay all costs of the insurance plan as provided in Option 1 below (Education Code 7000; Health and Safety Code

1366.26; Insurance Code 10128.56; 26 USC 4980B). The district contribution to retired employee health costs is a negotiable item.***

OPTION 1: To receive continuation coverage, covered employees and their qualified beneficiaries shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

OPTION 2: The district contribution toward continuation health coverage for covered employees and their qualified beneficiaries shall be the same as for current employees participating in the group health plan.

Note: Pursuant to Governmental Accounting and Standards Board Statement 45, "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees) must be reported by the district as a current expense over the working years of an employee. To the extent that OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district's financial statements. See BP 3100 - Budget and AR 3460 - Financial Reports and Accountability.

Legal Reference:

EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

17566 Self-insurance fund

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041-44042 Payroll deductions for collection of premiums

44986 Leave of absence, state disability benefits

45136 Benefits for classified employees

CIVIL CODE

56.10-56.16 Disclosure of information by medical providers

56.20-56.245 Use and disclosure of medical information by employers

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

GOVERNMENT CODE

12940 Discrimination in employment

22750-22944 Public Employees' Medical and Hospital Care Act

53200-53210 Group insurance

HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

1367.08 Disclosure of fees and commissions paid related to health care service plan

1373 Health services plan, coverage for dependent children who are full-time students

1373.621 Continuation coverage, age 60 or older after five years with district

1374.58 Coverage for registered domestic partners, health service plans and health insurers

INSURANCE CODE

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.59 *Cal-COBRA program, disability insurance*
10277-10278 *Group and individual health insurance, coverage for dependent children*
10604.5 *Annual disclosure of fees and commissions paid*
12670-12692.5 *Conversion coverage*
LABOR CODE
2800.2 *Notification of conversion and continuation coverage*
4856 *Health benefits for spouse of peace officer killed in performance of duties*
UNEMPLOYMENT INSURANCE CODE
2613 *Education program; notice of rights and benefits*
UNITED STATES CODE, TITLE 1
7 *Definition of marriage, spouse*
UNITED STATES CODE, TITLE 26
105 *Self-insured medical reimbursement plan; definition of highly compensated individual*
4980B *COBRA continuation coverage*
UNITED STATES CODE, TITLE 29
1161-1168 *COBRA continuation coverage*
UNITED STATES CODE, TITLE 42
300gg-16 *Group health plan; nondiscrimination in favor of highly compensated individuals*
1395-1395g *Medicare benefits*
CODE OF FEDERAL REGULATIONS, TITLE 26
54.4980B-1-54.4980B-10 *COBRA continuation coverage*
1.105-11 *Self-insured medical reimbursement plan*
CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 *Health Insurance Portability and Accountability Act (HIPAA)*

Management Resources:

INTERNAL REVENUE SERVICE NOTICES

2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans

WEB SITES

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

California Employment Development Department: <http://www.edd.ca.gov>

Internal Revenue Service: <http://www.irs.gov>

*U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services:
<http://www.cms.gov>*

U.S. Department of Labor: <http://www.dol.gov>

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Health And Welfare Benefits

Note: The following administrative regulation is optional.

Note: Pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses under California law. Therefore, to the extent that the district provides health benefit coverage under state law to spouses of employees, the same coverage must be provided to registered domestic partners. However, the federal Defense of Marriage Act (1 USC 7) defines marriage for purposes of benefits under federal law as a "union between a man and a woman." Thus, in those cases where federal law grants greater benefits than state law, or where benefits are only provided under federal law, it is doubtful that those benefits also extend to registered domestic partners. Districts with questions about the status of benefits for registered domestic partners or spouses of same-sex marriages should consult legal counsel as appropriate. Also see the accompanying Board policy.

Retired Certificated Employees

Note: Education Code 7000 requires that any district which provides health and welfare benefits or dental care benefits for its certificated employees must make those benefits available to retired certificated employees and their spouses or eligible surviving spouses as provided in the following section.

Note: Pursuant to Education Code 7000, any eligible person who elects to enroll in the benefits program may be required to pay all premiums, dues, and other charges, including any increases in the rate of premiums or dues for these persons, and all costs incurred by the district in administering the program; see the accompanying Board policy. Education Code 7000 allows districts, if appropriate, to require persons eligible for these benefits to pay different rates as a class. Education Code 7000 specifies three classes based on age and Medicare benefits for which the plan must provide separate rates. Government Code 12940 provides that, with respect to retiree health benefits and health care reimbursement plans in effect on or after January 1, 2011, it is not discrimination based on age to provide health benefits or health care reimbursement plans to retired persons that are altered, reduced, or eliminated when the retirees become eligible for Medicare health benefits.

Note: The following section does not apply to employees who receive health care coverage under the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944.

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district under any public retirement system or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. If he/she does not enroll during this initial enrollment period, he/she may be denied further opportunity to do so. (Education Code 7000)

COBRA/Cal-COBRA Continuation Coverage

Note: The following section reflects requirements for both the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) program (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10) and the California Continuation Benefits Replacement Act (Cal-COBRA) program (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs contain requirements designed to alleviate lapses in coverage due to employee termination, death, separation or divorce, reduction in hours, eligibility for Medicare, or a dependent child of the covered employee ceasing to be a dependent child. COBRA applies to districts with at least 20 employees. Pursuant to Health and Safety Code 1366.21, Cal-COBRA applies to districts with 2-19 employees which have contracted for health care and/or disability coverage through a group benefit plan. If the district has contracted to provide administrative services for the health care service plan as authorized by Health and Safety Code 1366.25, it may expand the following section to reflect additional requirements of plan administrators.

Note: The following section should be revised by districts that offer a group health insurance plan but not a group disability benefits plan. This section also should be revised by districts with employees who receive health care coverage under PEMHCA, Government Code 22750-22944.

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

1. Death of the covered employee
2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct

(cf. 4117.4 - Dismissal)

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

3. Divorce or legal separation of the covered employee
4. The covered employee becoming entitled to Medicare benefits

Note: For purposes of item #5 below, Health and Safety Code 1373 and Insurance Code 10277 require that the age at which a person ceases to be a dependent child, as specified in the health plan, must be at least 26 years, except that certain specified health plans may, beginning before January 1, 2014, exclude adult children younger than age 26 who are eligible to enroll in an employer-sponsored health plan. In addition, Health and Safety Code 1373 and Insurance Code 10277 require a health services plan or insurer to continue coverage for a dependent child who attains the age specified in the plan if he/she is incapable of self-sustaining employment by reason of a physically or mentally disabling injury, illness, or condition and is chiefly dependent on the subscriber or insured for support and maintenance. Health and Safety Code 1373 and Insurance Code 10277 also require that, if the plan provides coverage for a dependent child who is over age 26 and enrolled at a secondary or postsecondary educational institution, continued coverage must be provided during any break in the school calendar and during a medical leave of absence as specified.

5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26

USC 4980B)

Note: Districts should select the appropriate option below based on the number of district employees.

OPTION 1: (Districts with 20 or more employees)

Note: Pursuant to 26 USC 4980B and 29 USC 1163, the 30-day notification period specified below may be revised if a longer time period is specified in the health plan.

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166; 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC 4980B; 26 CFR 54.4980B-6; Health and Safety Code 1373.621; Insurance Code 10116.5)

OPTION 2: (Districts with 2-19 employees)

Note: If the district contracts to perform the administrative services of a health care service plan as authorized by Health and Safety Code 1366.25, the following two paragraphs should be revised to reflect the plan administrator to whom the notifications should be directed.

The Superintendent or designee shall provide written notification to the health care service plan administrator of a qualifying event listed in item #2 above, within 30 days of the event.

A covered employee or qualified beneficiary shall provide written notification to the health care service plan administrator regarding any other qualifying event listed above within 60 days of the event or of the date that the covered employee or qualified beneficiary was notified of the ability to continue coverage, whichever is later. (Health and Safety Code 1366.24, 1366.25; Insurance Code 10128.54, 10128.55)

Continuation coverage shall be terminated in accordance with the district's insurance plan and state law. (Health and Safety Code 1366.22, 1366.27, 1373.621; Insurance Code 10116.5, 10128.52, 10128.57)

Note: The following paragraph applies to all districts.

The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)

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

Disability Insurance

Note: The following notice is provided by the California Employment Development Department.

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness and Injury Leave)

Note: The following paragraph does not apply to employees of districts that have contracted for health care coverage through PEMHCA, Government Code 22750-22944.

When disabled by an injury sustained from a violent act while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

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CSBA Sample

Administrative Regulation

Charter School Authorization

AR 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

Note: The following administrative regulation is optional.

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by one of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Permanent/Probationary Status)

In circulating a petition, the petitioners shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Components of Charter Petition

Note: CSBA's publication Charter Schools: A Manual for Governance Teams recommends specific content that might be included in the descriptions of each component listed in items #1-16 below.

A petition shall include affirmations of the conditions described in Education Code 47605(d) as well as reasonably comprehensive descriptions of: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of

enabling students to become self-motivated, competent, and lifelong learners.

If the proposed school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

Note: Education Code 47605, as amended by SB 1290 (Ch. 576, Statutes of 2012), requires that the petition identify student outcomes that the charter school intends to use, including those that address increases in student achievement both schoolwide and for all groups of students served by the charter school, as defined in Education Code 47607. Education Code 47607, as amended by SB 1290, defines "all groups of students served by the charter school" to mean all "numerically significant" subgroups of students served by the charter school, as defined in Education Code 52052.

2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each "numerically significant" subgroup of students served by the charter school, as defined in Education Code 52052.
3. The method by which student progress in meeting the identified student outcomes is to be measured.
4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. The procedures that the school will follow to ensure the health and safety of students and staff, including the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. Admission requirements, if applicable.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Governing Board's satisfaction.

10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.
13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

Note: Education Code 47605 requires charter petitions to contain the declaration specified in item #15 below regarding responsibilities for collective bargaining. If the charter school is not deemed the public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5. Education Code 47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.

15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.

Note: Education Code 47605 and 5 CCR 11962 require the charter petition to include procedures to be used in the event that the charter school closes for any reason, as provided in item #16 below. Duties of the district pertaining to charter school closures include notification requirements pursuant to Education Code 47604.32 and 5 CCR 11962.1; see BP 0420.41 - Charter School Oversight.

16. The procedures to be used if the charter school closes, including, but not limited to: (5 CCR 11962)
 - a. Designation of a responsible entity to conduct closure-related activities
 - b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

- (1) The effective date of the closure
 - (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - (3) The students' districts of residence
 - (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above
 - d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
 - e. Transfer and maintenance of personnel records in accordance with applicable law
 - f. Completion of an independent final audit within six months after the closure of the school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
 - g. Disposal of any net assets remaining after all liabilities of the school have been paid or otherwise addressed pursuant to 5 CCR 11962
 - h. Completion and filing of any annual reports required pursuant to Education Code 47604.33
 - i. Identification of funding for the activities identified in item #16a-h above

Note: Education Code 47605 requires that petitioners provide to the Governing Board the information listed in items #1-4 below. The Board may require additional information. For example, U.S. Department of Education nonregulatory guidance, The Impact of New Title I Requirements on Charter Schools, suggests that districts may, at their discretion, choose to incorporate in the charter the state's definition of "adequate yearly progress" to assist charter schools in understanding their accountability requirements; see the accompanying Board policy and BP/AR 0520.2 - Title I Program Improvement Schools.

***Note: As outlined in CSBA's publication Charter Schools: A Manual for Governance Teams, some districts request a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information

that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below.***

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

Note: Education Code 47605 requires that information on school facilities, listed in item #1 below, must specify where the school intends to locate. Unless otherwise exempted, the school must be located within the geographic boundaries of the chartering district; see section "Location of Charter School" below.

1. The facilities to be used by the school, including where the school intends to locate (cf. 7160 - Charter School Facilities)
2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

Location of Charter School

Note: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school granted by either the County Board of Education or the State Board of Education following initial denial by the district also must locate within the geographic boundaries of the district that denied the petition.

Note: The Attorney General has opined, in 89 Ops.Cal.Atty.Gen. 166 (2006), that online charter schools are subject to the restrictions and conditions placed upon independent study programs, including the requirement that students reside in the charter school's home county or an adjacent county.

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.

2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.

3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish and locate a resource center, meeting space, or other satellite facility in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.

2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

Petition Review Committee

Note: The following section is optional. CSBA's publication Charter Schools: A Manual for Governance Teams suggests that establishment of a petition review team is one method that can be used to obtain input on proposed charters. Such a committee might include representatives of the district's human resources, fiscal services, risk management, student services, curriculum, special education, facilities, and other appropriate departments.

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review submitted petitions and supporting documentation. Such a committee may be used to evaluate the completeness of proposals, the merits of the proposed educational programs, and any concerns that should be addressed by the petitioners, taking into consideration the criteria specified in law and Board policy for approval or denial of petitions. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements.

(cf. 1220 - Citizen Advisory Committees)

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CSBA Sample

Board Policy

Waivers

BP 1431

Community Relations

Note: The following optional policy covers waiver requests which the State Board of Education (SBE) generally has legal authority to grant (general waivers). In order to provide districts with flexibility without undermining the basic intent of the law, Education Code 33050-33053 permit districts to request that the SBE waive sections of the Education Code, Title 5 of the California Code of Regulations, or any applicable federal law, including portions of the No Child Left Behind Act. Education Code 33050 exempts certain sections of the Education Code from the authority of the SBE to grant waivers.

Note: However, this policy does not address waivers expressly authorized by law for specific programs and situations (specific waivers) such as the waiver of Education Code 56101 for students with disabilities and waivers that may be granted by the Commission on Teacher Credentialing or the Superintendent of Public Instruction, such as waivers for alternative schools. See BP 6181 - Alternative Schools/Programs of Choice. For any such waiver, the process for obtaining the waiver would be as specified in the provision of law governing the program. In addition, this policy does not cover waiver requests that a district's governing board is authorized to grant, such as (1) parent/guardian requests for waivers regarding the sheltered English language immersion program for English learners offered pursuant to Education Code 305, or (2) the requirement for a student with disabilities to successfully pass the high school exit examination. See BP/AR 6174 - Education for English Language Learners and AR 6162.52 - High School Exit Examination for the procedures for these waiver requests.

The Governing Board recognizes that strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

Note: The California Department of Education (CDE) has instituted an online waiver request system which it encourages districts to use. In addition, CDE has updated guidance and Frequently Asked Questions on its web site to help expedite the waiver submission process. Prior to submitting a waiver request, the district should confirm that it has gathered all the data required and complied with all the legal requirements for the request. The district should also review Education Code 33051 which specifies the reasons for which the SBE may deny the request. For example, a request to waive a provision of law regarding a program that requires the existence of a site council must be approved by that site council; otherwise the request will be denied by the SBE.

Any waiver request to be submitted to the SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 1220 - Citizen Advisory Committees)

Note: The following optional paragraph is for districts with an employee organization certified to represent the district's employees in negotiations with the district.

In addition, the Superintendent or designee shall involve the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050)

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

To receive public testimony on each waiver request proposal, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

Note: Education Code 33050 does not specify the length of the advanced notice required for the public hearing described above. However, CSBA believes that the notice must allow sufficient time to enable members of the public adequate opportunity to participate in the waiver request process. The following optional paragraph may be revised to specify the length of the notice, in accordance with district practice.

The notice, which shall state the time, date, location, and subject of the public hearing, may be printed in a newspaper of general circulation or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

Note: The following optional paragraph addresses renewal of general waivers which have been granted by the SBE. According to CDE's State Board of Education - CalEd Facts issued in January 2013, pursuant to Education Code 33051, any general waiver which has been granted for two consecutive years, or which is initially granted for two years, may be regarded as "permanent" for as long as the information on the waiver request remains current. However, the SBE may require updated information for a general waiver whenever it determines that information to be necessary. The SBE may also rescind a waiver if additional information supporting a recession is made available to the SBE. Additionally, a district is required to apply annually for the renewal of any waiver regarding teacher credentialing.

When the district has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if the information contained on the request remains current. However, the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference:

EDUCATION CODE

305-311 Structured English immersion program; parental exception waivers
5000-5033 Governing board elections
8750-8754 Grants for conservation education
10400-10407 Cooperative improvement programs
17047.5 Facilities used by special education students
17291 Portable school buildings
33050-33053 General waiver authority
37202 Equity length of time
41000-41360 School finance
41381 Minimum school day
41600-41854 Computation of allowances
41920-42842 Budget requirements; local taxation by school districts
44520-44534 New Careers Program
44666-44669 School-Based Management and Advanced Career Opportunities
44681-44689 Administrator Training and Evaluation
45108.7 Maximum number of senior management positions
48660-48666 Community day schools
48800 Attendance at community college
49550-49560 Meals for needy students
51224.5 Algebra instruction
51745.6 Charter school independent study ratio
51870-51874 Educational technology
52080-52090 Class size reduction grade 9
52122.6-52122.8 Class size reduction, impacted school sites
52160-52178 Bilingual-Bicultural Education Act of 1976
52180-52186 Bilingual teacher waiver
52200-52212 Gifted and Talented Pupils Program
52340-52346 Career Guidance Centers
52522 Plans for adult education
52850-52863 School-Based Program Coordination
54000-54028 Disadvantaged Youth Program
54100-54145 Miller-Unruh Basic Reading Program
54407 Waiver for compensatory education programs
56000-56867 Special education programs
58407 Waiver related to individualized instruction program
58900-58928 Restructuring demonstration programs

60119 Public hearing on sufficiency of instructional materials
60851 High school exit examination, waiver for student with disabilities
CODE OF REGULATIONS, TITLE 5
1032 Academic Performance Index
3100 Resource specialist caseload waivers
3945 Cooperative programs
9531 Instructional materials funding
11960 Charter school attendance
11963.4 Charter school percentage funding
13017 Waivers, compensatory education New Careers in Education Program
13044 Waivers, compensatory education Professional Development and Program Improvement
Programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
7115 Safe and Drug Free Schools, authorized activities

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

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

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CSBA Sample

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

Note: The following optional policy and accompanying mandated administrative regulation are for districts that have not adopted the Uniform Public Construction Cost Accounting Act (Public Contract Code 22030-22045). California law requires competitive bidding for most public contracts. Pursuant to Public Contract Code 20111 and 22002, public contracts for the lease or purchase of equipment, materials, supplies, or services or for "public projects," as defined, are required to be competitively bid when they involve expenditure of specified amounts.

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

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

(cf. 3000 - Concepts and Roles)

(cf. 3300 - Expenditures and Purchases)

Note: Requirements for competitive bidding, including notice and advertising, are specified in Public Contract Code 20111-20118.4. See the accompanying administrative regulation.

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

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4. (Public Contract Code 20116)

Note: Districts should be careful in crafting bid specifications as a misleading specification that results in a lower bid than might have been made may make the district liable for the extra work done or expenses incurred by the contractor. In *Los Angeles Unified School District v. Great American Insurance Co.*, the California Supreme Court held in favor of a contractor who was misled by the district's nondisclosure of material information that would have affected the contractor's bid.

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

Note: Pursuant to Public Contract Code 20111.5, the district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required; see the accompanying administrative regulation. However, pursuant to Public Contract Code 20111.6, as added by AB 1565 (Ch. 808, Statutes of 2012), a district with average daily attendance of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds are used. In addition, the Governing Board is required to adopt a uniform system of rating bidders based on completed questionnaires and financial statements which must address, at a minimum, the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations for such purpose.

The Superintendent or designee shall develop the procedures to be used for rating bidders for award of contracts which, by law or Board policy, require prequalification. The procedures shall identify a uniform system for rating bidders and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(cf. 9270 - Conflict of Interest)

Note: Pursuant to Public Contract Code 20111, a contract required to be put out to bid must be awarded to the lowest responsible bidder. A "responsible bidder" is one who possesses the quality, fitness, and capacity to satisfactorily perform the proposed work. (City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court)

Note: However, a bid may be awarded to other than the "lowest responsible bidder" when conditions specified in law exist. For example, a district is permitted to give preference to minorities, women, veterans, and small businesses in accordance with Public Contract Code 2000-2002. Also see "Award of Contract" section in the accompanying administrative regulation.

Except as authorized by law and specified in the administrative regulation, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

Note: Pursuant to Public Contract Code 20118, districts may be exempt from the bidding requirements and may "piggyback" onto the bid of any public corporation or agency for specific items when the Board determines it is in the best interest of the district. See the accompanying administrative regulation for a list of those items that may be leased or purchased using this procedure.

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

Legal Reference:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act
17406 Lease-leaseback contract
17595 Purchase of supplies through Department of General Services
17602 Purchase of surplus property from federal agencies
38083 Purchase of perishable foodstuffs and seasonable commodities
38110-38120 Apparatus and supplies
39802 Transportation services

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts
4330-4334 Preference for California-made materials
6252 Definition of public record
53060 Special services and advice
54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies
2000-2002 Responsive bidders
3000-3010 Roofing projects
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
6610 Bid visits
12200 Definitions, recycled goods, materials and supplies
20101-20103.7 Public construction projects, requirements for bidding
20103.8 Award of contracts
20107 Bidder's security
20111-20118.4 Contracting by school districts
20189 Bidder's security, earthquake relief
22002 Definition of public project
22030-22045 Alternative procedures for public projects (UPCCAA)
22050 Alternative emergency procedures
22152 Recycled product procurement

COURT DECISIONS

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7

Cal.3d 861
ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

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

(11/00 7/08) 8/13

CSBA Sample

Administrative Regulation

Bids

AR 3311

Business and Noninstructional Operations

Note: Pursuant to Government Code 54202, districts are mandated to adopt bidding procedures governing the purchase of equipment and supplies.

Note: The following administrative regulation is for use by districts that have not adopted the provisions of the Uniform Public Construction Cost Accounting Act (UPCCAA). Procedures and bid limits under the UPCCAA are specified in Public Contract Code 22030-22045.

Advertised/Competitive Bids

The district shall advertise for competitive bids to let any public project contract involving an expenditure of \$15,000 or more. Public project means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

Note: For items #1-3 below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following optional paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For 2013, the bid limit is \$83,400.

The district shall also seek competitive bids through advertisement for contracts exceeding the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery

and other permanently attached equipment, but does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting. The notice shall also detail when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Note: For a bid to be successful, it must conform to specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., he/she must be "responsible"). A district must be careful in making a determination on the responsiveness of a bid based on investigation or information outside of the submitted bid. When relying on such outside investigation or information to disqualify a bidder, the district must follow the hearing procedures applicable for a finding of "nonresponsibility." (Great West Contractors Inc. v. Irvine Unified School District) To avoid any confusion, the district should provide clear and comprehensive specifications to bidders.

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)

- a. Cash
- b. A cashier's check made payable to the district

- c. A certified check made payable to the district
- d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

- 3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
- 4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
- 5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

Note: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with legal counsel, as appropriate, as to the applicability of this law to school districts and other unclear provisions of this law.

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below shall be used. (Public Contract Code 20103.8)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

9. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

Note: The following section is optional. Pursuant to Public Contract Code 20111.5, a district is permitted, but not required, to establish prequalification procedures for any contract for which bids are legally required. However, pursuant to Public Contract Code 20111.6, as added by AB 1565 (Ch. 808, Statutes of 2012), a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds are used.

When required by law or the Board, each prospective bidder shall complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall provide a standardized proposal form which requires a complete statement of the bidder's financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5, 20111.6)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Award of Contract

Note: Pursuant to Public Contract Code 20111, the district is required to award a contract to the lowest responsible bidder except in the circumstances specified in the following optional section.

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. For any transportation service contract involving an expenditure of more than \$10,000, which the Board contemplates may be made with a person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

Note: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran business enterprises and small businesses in contracts.

3. When the contract is one for which the Board has established goals and requirements relating to participation of minority, women, disabled veteran, or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

Protests by Bidders

Note: The law does not specify a procedure for handling protests by bidders. The following optional section provides one such procedure and should be modified to reflect district practice.

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

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

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the date and time for Board consideration of the protest. The Board's decision shall be final.

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Sole Sourcing

***Note: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole

sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is optional.***

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall not draft the bid specification in a manner that: (Public Contract Code 3400)

1. Directly or indirectly limits bidding to any one specific concern
2. Calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

Note: The following optional paragraph is for districts with ADA of more than 2,500. For the repair or replacement of the roof of a public facility, a material must meet the requirements specified below to be considered "equal" pursuant to Public Contract Code 3000-3010.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing), if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Note: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined (89 Ops.Cal.Atty.Gen. 1 2006) that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. However, this opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Districts considering using the piggyback process for relocatables, portables, modulars, and the like should consult district legal counsel. While Attorney General opinions are not binding, they are often given deference by the court and may also be considered by the State Allocation Board when making funding decisions.

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)

Note: The following optional paragraph is commonly described as the "lease-leaseback" contract. This method should only be used in coordination with competent technical consultants and legal counsel to ensure all legal requirements are met.

In addition, upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). (Education Code 17406)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Note: The following optional paragraph reflects the authority granted to public agencies pursuant to Government Code 4217.10-4217.18 to enter into energy service contracts without competitive bidding when the agency's governing body determines that the contract is in the best interest of the agency based on the "costs-benefits" analysis specified in Government Code 4217.12.

Without advertising for bids, the Board may enter into an energy service contract and any related

facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3510 - Green School Operations)
(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

Note: Pursuant to Public Contract Code 20113, a district may award contracts without competitive bidding in emergency situations, as specified below. In *Marshall v. Pasadena Unified School District*, a court held that the definition of "emergency" in Public Contract Code 1102 is applicable. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

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

(cf. 3517 - Facilities Inspection)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

(7/08 11/10) 8/13

CSBA Sample

Board Policy

Travel Expenses

BP 3350

Business and Noninstructional Operations

Note: The following optional policy may be revised to reflect district practice. Pursuant to Education Code 44032-44033, the Governing Board is authorized to pay for employees' actual and necessary expenses, including travel expenses and automobile use, incurred in the course of performing services for the district.

Note: For language addressing the reimbursement of expenses for Board members, see BB 9250 - Remuneration, Reimbursement and Other Benefits.

The Governing Board recognizes that district employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the Superintendent or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the district, whether within or outside district boundaries. (Education Code 44032)

The Superintendent or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy.

An employee shall obtain approval from the Superintendent or designee prior to traveling. The Superintendent or designee may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee's supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee's duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the Superintendent or designee if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the Board.

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when district business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on district business, and other necessary incidental expenses.

The district shall not reimburse personal travel expenses including, but not limited to, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on district-related business, personal use of an automobile, and personal losses or traffic violation fees incurred while on district business.

Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts.

Note: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 44033, the Board may provide for reimbursement of the use of an employee's private automobile on the basis of a monthly allowance and/or a mileage rate. These allowances are used in lieu of the payment of actual expenses (e.g., gas, oil, and wear and tear on the vehicle) and thus an employee receiving such an allowance should not receive additional reimbursement for any other automobile expenses.

Authorized employees shall be reimbursed for the use of their own private vehicles in the performance of assigned duties, on either a mileage or monthly basis as determined by the Superintendent or designee. (Education Code 44033)

Note: The following optional paragraph provides that the mileage allowance provided by the district will be equal to the rate established by the Internal Revenue Service (IRS). Any reimbursement above the IRS rate may be considered taxable income for the employee. The IRS rate is periodically updated based on the overall cost of automobile transportation and is posted on the IRS web site.

The mileage allowance provided by the district for employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service.

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

***Note: The district may choose whether to reimburse meal expenses on the basis of actual receipts (Option 1 below) or a per diem rate (Option 2). See IRS Publication 1542 Per Diem Rates (For Travel Within the Continental United States) for per diem rate tables established by the U.S. General Services Administration for federal employees; these federal rates may serve as a guideline for district rates. According to the IRS, specified "high-cost localities" may be

reimbursed at a higher rate.***

OPTION 1: Meal costs shall be reimbursed based on documented actual expenses within the maximum amounts established by the Superintendent or designee and based on the time of day that travel for district business begins and ends.

OPTION 2: The Superintendent or designee shall establish a per diem allowance for meal costs incurred while traveling on district business based on the location and hours of travel. The per diem allowance shall not exceed the standard meal allowance for business-related travel prescribed for federal income tax purposes.

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

Any expense that exceeds the maximum rate of reimbursement established by the district shall be reimbursed only with the approval of the Superintendent or designee.

All expense reimbursement claims shall be submitted on a district form, within 10 working days following return from travel when possible. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet district criteria for reimbursement.

The Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to district business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

Note: The following optional paragraph should be deleted if the district does not issue credit cards to any employees.

When approved by the Superintendent or designee, an employee may be issued a district credit card for use while on authorized district business. Receipts documenting the expenses incurred on a district credit card shall be submitted promptly following return from travel. Under no circumstances shall personal expenses be charged on a district credit card, even if the employee intends to subsequently reimburse the district for the personal charges.

When necessary, the Superintendent or designee may approve a cash advance, not to exceed the estimated out-of-pocket reimbursable expenses, to an employee authorized to travel on district business. Within 10 working days following return from travel, the employee shall submit a final accounting with all necessary supporting documentation. He/she shall refund to the district any amount of cash advance exceeding the actual approved reimbursable expenses.

Legal Reference:

EDUCATION CODE

42634 Itemization of expenses

44016 Travel expense to employment interview

- 44032 Travel expenses
- 44033 Automobile allowance
- 44802 Student teacher's travel expense

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

Per Diem Rates (For Travel Within the Continental United States), Publication 1542

WEB SITES

Internal Revenue Service: <http://www.irs.gov>

U.S. General Services Administration, Per Diem Rates: <http://www.gsa.gov/perdiem>

CSBA Sample

Administrative Regulation

Petty Cash Funds

AR 3451

Business and Noninstructional Operations

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

In order to facilitate minor purchases, the Superintendent or designee may establish a petty cash fund at each school. The petty cash fund shall be used for unforeseen, small school expenses, such as postage or individual purchases of supplies.

The amount of the petty cash fund shall not exceed \$200. The principal or designee shall be responsible for all expenditures from the fund and shall create a system for tracking fund expenditures. Each expenditure shall be supported by appropriate documentation.

Expenditures shall be reconciled and accounted for whenever the principal requests that the fund be replenished, at the end of the fiscal year, or at the request of the Superintendent or designee.

(cf. 3400 - Management of District Assets/Accounts)

The principal or designee shall ensure that the petty cash fund is kept in a safe and secure location.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35250 Duty to keep certain records

41020 Requirement for annual audit

42800-42810 Revolving funds

Management Resources:

WEB SITES

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

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Missing pp.

CSBA Sample Administrative Regulation Environmental Safety

AR 3514
Business and Noninstructional Operations

Note: The following optional administrative regulation may be revised to reflect district practice.

Note: The following paragraph may be revised to reflect the job position(s) designated to coordinate the district's environmental safety programs.

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

- (cf. 3510 - Green School Operations)
- (cf. 3511 - Energy and Water Management)
- (cf. 3517 - Facilities Inspection)
- (cf. 4157/4257/4357 - Employee Safety)
- (cf. 5030 - Student Wellness)
- (cf. 5142 - Safety)
- (cf. 7111 - Evaluating Existing Buildings)
- (cf. 7150 - Site Selection and Development)

Indoor Air Quality

Note: The following optional section addresses strategies for maintaining healthy indoor air quality and may be revised to reflect district practice. For further information, see the U.S. Environmental Protection Agency's (EPA) Indoor Air Quality Tools for Schools and CSBA's policy briefs on Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments and Asthma Management in the Schools.

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the Superintendent or designee shall ensure that the following strategies are implemented:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable

time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

(cf. 3580 - District Records)

Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.

4. Least toxic pest management practices shall be used to control and manage pests at school sites.

(cf. 3514.2 - Integrated Pest Management)

5. In any new school construction, and in all existing schools when feasible, the Superintendent or designee shall install a carbon monoxide detector in each school building that contains a fossil fuel burning furnace. The device shall be placed in close proximity to the furnace in order to accurately detect any leakage of carbon monoxide.

6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

(cf. 5141.23 - Asthma Management)

7. Painting of school facilities and maintenance or repair duties that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.

8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

(cf. 3514.1 - Hazardous Substances)

(cf. 6161.3 - Toxic Art Supplies)

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.

10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

(cf. 3513.3 - Tobacco-Free Schools)

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms or other enclosed areas or buildings.

(cf. 6163.2 - Animals at School)

Outdoor Air Quality

Note: The following optional section may be revised to reflect district practice. Forecasts of ozone levels and particle pollution are available through the federal AirNow web site and may be printed in local newspapers. The district may monitor ultraviolet radiation levels through the EPA's UV Index web site; see BP 5141.7 - Sun Safety and CSBA's policy brief on Sun Safety in Schools.

The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, and/or ultraviolet radiation levels.

Whenever these measures indicate a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

(cf. 5141.7 - Sun Safety)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Vehicle Emissions

Note: 13 CCR 2480 prohibits idling of school buses, student activity buses, and other commercial motor vehicles within 100 feet of a school except under specified conditions; see AR 3542 - School Bus Drivers for additional language reflecting these requirements.

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in

accordance with 13 CCR 2480.

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

Note: Pursuant to 13 CCR 2025, any district that owns, operates, leases, or rents a diesel-fueled school bus with a gross vehicle weight rating over 14,000 pounds that was manufactured on or after April 1, 1977 is required to install a particulate filter in the bus that reduces diesel particulate matter emissions by 85 percent. The district must ensure that 100 percent of its fleet complies with this requirement by January 1, 2014. An exception exists for any school bus that operates fewer than 1,000 miles per year. In the event that the filter cannot be installed (i.e., if doing so would void the engine warranty, if no appropriate filter is commercially available, or if the manufacturer or installer does not deem the filter to be technologically feasible for the school bus), the district may receive an extension until January 1, 2018 by providing specified information to the Air Resources Board each year. Any school bus manufactured before April 1, 1977 must be retired.

Any diesel-fueled school bus with a gross vehicle weight rating over 14,000 pounds manufactured on or after April 1, 1977 shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

Drinking Water

Note: The following optional section addresses the quality of tap water available in schools. See AR 3550 - Food Service/Child Nutrition Program for information about requirements to make fresh drinking water available during mealtimes.

The quality and safety of the district's drinking water sources shall be regularly assessed.

Note: State and federal law require public water systems, including any schools and child care facilities that are nontransient noncommunity water systems as defined in 40 CFR 141.2, to regularly test water samples for lead. Pursuant to the standards established in 40 CFR 141.80 and 22 CCR 64678, the district may need to take action whenever notified by the public water system, or by its own testing, that lead concentrations exceed .015 milligrams per liter.

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards in 40 CFR 141.80 and 22 CCR 64678, water outlets shall be flushed thoroughly each day before use or made inoperable until a plan for remediation can be implemented.

Whenever levels of arsenic, bacteria, or other contaminants in the drinking water are determined to be a concern, the Superintendent or designee may recommend basic filtration or pipe flushing when feasible.

Until drinking water is assured to be safe, the Superintendent or designee may explore

alternatives, such as bottled water, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day. As needed, he/she also may encourage appropriate governmental agencies to conduct regular testing of the water quality in district schools and to implement strategies to improve water quality in the community.

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

Drinking fountains in district schools shall be regularly cleaned and maintained to avoid the presence of dirt, mold, or other impurities or health concerns.

Lead Exposure

Note: The following optional section reflects recommendations of the EPA. For further information, the district may contact its city or county lead poisoning prevention program.

In addition to keeping school facilities as dust-free and clean as possible, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

Note: 17 CCR 35001-36100 contain state standards for lead abatement services. In addition, 40 CFR 745.61-745.339 extend federal standards for renovations involving lead-based paint to child-occupied facilities, which include preschools and elementary schools.
3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.
4. Soil with high lead content may be covered with grass, other plantings, concrete, or asphalt.
5. Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.

Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

Mercury Exposure

Note: The following optional section may be revised to reflect district practice. Mercury may exist in schools in thermometers, barometers, switches, thermostats, flowmeters, lamps, and other sources. Although devices containing mercury are considered safe as long as the mercury is sealed, if a device is broken and mercury spills, the health of students and staff may be endangered.

The Superintendent or designee shall identify any products containing mercury that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Note: The EPA's web site contains detailed procedures for cleaning up a small mercury spill, actions that should never be taken in the event of a spill, and items that should be assembled in a mercury spill kit.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

Asbestos Management

Note: The following section is optional. Education Code 49410-49410.7 and the federal Asbestos Hazard Emergency Response Act (AHERA) (15 USC 2641-2656; 40 CFR 763.80-763.99) contain requirements for asbestos inspection and abatement which are applicable to school districts. For further information, consult the local air quality management district or air pollution control district.

Note: 40 CFR 763.84 requires the district to designate a person who will be responsible for ensuring that federal and state requirements are properly implemented. According to the EPA, this designated person is not required to be a licensed asbestos consultant, but the district must verify that he/she has received proper training. The specific knowledge that the designated person must have is described in the EPA's publication How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide. The following section may be revised to reflect the position designated to fulfill this responsibility, who may be the same person designated above to coordinate all of the district's environmental safety programs.

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing materials; options for controlling asbestos-containing building materials; and relevant federal and state regulations. (40 CFR 763.84)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:
 - a. Any school building that is leased or acquired by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
 - b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
 - c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. (40 CFR 763.84)

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

(cf. 5145.6 - Parental Notifications)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic

re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)

5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84)

Asbestos inspection and abatement work and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)

8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

CSBA Sample

Administrative Regulation

Transportation Routes And Services

AR 3541
Business and Noninstructional Operations

Routes and Bus Stops

The Superintendent or designee shall design transportation routes and stops to promote the safety of students and maximum efficiency in the use of buses.

***Note: 5 CCR 15241 establishes minimum transportation distances for determining district reimbursement for transportation expenses. These distances are measured from the point the student boards the bus at the regular stop to the school by the shortest traveled road. ***

***Note: The numbers listed below reflect reimbursement minimums pursuant to 5 CCR 15241. Districts should revise the following section to reflect appropriate grades and applicable distances. ***

Students shall be eligible for transportation service to and from school if the distance between their school-established bus stop and the school is beyond the minimum listed below:

1. For elementary school students:

Grades K-3: three-fourths mile

Grades 4-8: one mile

-
2. For students attending a three-year junior high school:

Grades 7-9: one mile

3. For students attending a four-year high school:

Grades 9-12: two miles

The Superintendent or designee may authorize transportation within the walking distance when safety problems or hazards exist.

Students who attend a school outside their attendance area may be eligible for transportation services in accordance with Board policy.

(cf. 5116.1- Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Agreements)

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

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules and stops and/or shall arrange for local media to publish such information.

(cf. 1112 - Media Relations)

Transportation Services

~~***Note: Items #1-10 below should be revised to reflect services provided or contracted for by the district. ***~~

With the Governing Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)

2. Field trips and excursions (Education Code 35330)

(cf. 3541.1 - Transportation for School-Related Trips)

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)

4. District employees and parents/guardians traveling to and from educational activities authorized by the district (Education Code 39837.5)

5. Preschool or nursery school students (Education Code 39800)

6. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 39807.5, 41850)

~~7.~~ Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)

~~8.~~ Matriculated or enrolled adults traveling to and from school, or adults for educational purposes other than to and from school (Education Code 39801.5)

~~9.~~ Private school students, in the same manner and on the same routes provided for district students (Education Code 39808)

10. ~~7.~~ Nonschool purposes as allowed by law, such as:

a. Community recreation (Education Code 39835)

b. Public transportation (Education Code 39841)

***Note: Item #c is for use only by districts that normally transport to and from school, students residing on property belonging to a federal, state or local agency. ***

c. Transportation of government employees to and from their places of employment (Education Code 39840)

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs. (Education Code 41850; 20 USC 1400-1482; 34 CFR 104.4)

(cf. 3541.2 - Transportation for Students with Disabilities)

***Note: The McKinney-Vento Homeless Assistance Act, reauthorized as part of the No Child Left Behind Act, creates requirements for districts with respect to transportation for homeless students. 42 USC 11432 mandates that the district adopt policies and practices to ensure that transportation is provided to homeless children who have moved, but have decided to continue to attend their school of origin. See BP/AR 6173 - Education for Homeless Children for language implementing this mandate. ***

The Superintendent or designee shall provide transportation to homeless children in accordance with law, Board policy and administrative regulation.

(cf. 6173 - Education for Homeless Children)

Legal Reference:

EDUCATION CODE

10900.5 Use of school buses for community recreation

35330 Excursions and field trips

35350 Authority to transport pupils

39800-39809.5 Transportation, general provisions, especially:

39800 Powers of governing board to provide transportation to and from school

39801.5 Transportation for adults

39808 Transportation for private school students

39830-39842 School buses, especially:

39835 Use of school buses for community recreation

39837 Transportation to summer employment program

39837.5 Transportation of employees and parents/guardians to school activities

39860 Transportation to school activities

41850-41856 Allowances for transportation

41860-41863 Supplementary allowances for transportation

CODE OF REGULATIONS, TITLE 5

15240-15244 Allowances for student transportation

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 42

11432 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

Management Resources:

WEB SITES

California Department of Education, Office of School Transportation:

<http://www.cde.ca.gov/bus/index.html>

Pupil Transportation Safety Institute: <http://www.ptsi.org>

(6/97 10/97) 3/04

CSBA Sample

Exhibit

Transportation For School-Related Trips

E 3541.1

Business and Noninstructional Operations

Exhibit 1

SCHOOL DRIVER REGISTRATION FORM

DRIVER INFORMATION

Driver (circle one): Employee Parent/Guardian Volunteer
Name: _____ Date of Birth: _____
Address: _____
Telephone: () _____ Cell Phone: () _____
Driver's License No.: _____ Expiration Date: _____

VEHICLE INFORMATION

Name of Owner: _____
Address: _____
Make: _____ Year: _____ License Plate No.: _____
Registration Expiration: _____ Seating Capacity: _____

INSURANCE INFORMATION

Insurance Company: _____ Telephone: () _____
Policy No.: _____ Expiration Date: _____
Liability Limits of Policy: _____

DRIVER STATEMENT

I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past five years and that the information given above is true and correct. I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.

I certify that I have received and will abide by the driver instructions provided by the district.

Name: _____ Date: _____

(3/02) 11/07

Exhibit 2

DRIVER INSTRUCTIONS

When using your vehicle to transport students on field trips or other school activity trips:

1. Be sure that you have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a pickup truck, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use an appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.

Note: SB 7 (Ch. 425, Statutes of 2007) added Health and Safety Code 118947-118949 to make it unlawful for a person to smoke in a motor vehicle in which there is a minor; see accompanying administrative regulation.

5. Do not smoke a pipe, cigar, or cigarette while there are minors in the vehicle, as required by law.
6. Obey all traffic laws.
7. Take the most direct route to the destination or event without unnecessary stops.

In case of emergency, keep all students together and call 911 and the district office.

(3/02) 11/07

CSBA Sample

Administrative Regulation

School Bus Drivers

AR 3542

Business and Noninstructional Operations

Note: The following administrative regulation is mandated pursuant to 5 CCR 14103 (see the sections "Training" and "Authority" below) and is for use by districts that employ their own school bus drivers or student activity bus drivers. Districts that contract out for all transportation services may revise this regulation as appropriate to ensure that the contracting firm meets all legal requirements regarding qualifications and responsibilities.

Qualifications

Note: Pursuant to Vehicle Code 12517, school bus drivers are required to possess a commercial driver's license issued by the California Department of Motor Vehicles (DMV), with a special endorsement authorizing school bus operation (indicated by the letter S on the driver's license). District employees who operate 15-passenger vans must possess a commercial driver's license with a passenger transport vehicle (PV) endorsement.

Note: In addition, any driver employed to operate a school bus or student activity bus must possess a special certificate from the California Highway Patrol (CHP) permitting such service. Issuance of the certificate is based on successful completion of prescribed examinations conducted by the CHP and compliance with all applicable provisions of the Vehicle Code.

All drivers employed to operate school buses or student activity buses shall possess, and shall retain in their immediate possession while operating the bus, the following documents: (Vehicle Code 12517, 12517.4)

1. A valid driver's license issued by the California Department of Motor Vehicles (DMV) for the appropriate class of vehicle to be driven and endorsed for school bus and/or passenger transportation
2. A certificate issued by the California Highway Patrol (CHP) which permits the operation of school buses or student activity buses, as applicable

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 4200 - Classified Personnel)

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

***Note: Pursuant to Vehicle Code 12517.3, applicants for the certificate to drive a school bus or student activity bus must be fingerprinted by the CHP for submission to the Department of

Justice (DOJ), or the fingerprinting may be conducted by the district, county office of education, or a public law enforcement agency using an electronic fingerprinting system (LiveScan) with terminals managed by the DOJ. The following optional paragraph is for use by districts that choose to use this method to conduct the fingerprinting themselves.***

The Superintendent or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an initial certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

(cf. 4212.5 - Criminal Record Check)

Note: Pursuant to Vehicle Code 12517.2, a driver who is initially applying for or seeking renewal of a commercial driver's license or a certificate authorizing him/her to drive a school bus or student activity bus must provide evidence of having obtained a medical examination by a qualified health professional. The report must be on a form approved by the DMV, which is available on its web site.

When initially applying for or renewing a license or certificate to drive a school bus or student activity bus, and annually upon reaching age 65 years, the driver shall submit to the DMV and to the Superintendent or designee a report of a medical examination conducted in accordance with the timelines and procedures specified in Vehicle Code 12517.2. (Vehicle Code 12517.2; 13 CCR 1234)

The Superintendent or designee shall notify each driver of the expiration date of his/her driver's license, certificate, and medical certificate and shall ensure each document is renewed prior to expiration. (13 CCR 1234)

(4112.9/4212.9/4312.9 - Employee Notifications)

School bus and student activity bus drivers shall be subject to drug and alcohol testing in accordance with Board policy and the requirements of federal law.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall notify the DMV within five days whenever any driver refuses, fails to comply, or receives a positive test result on a drug or alcohol test; is dismissed for a cause related to student transportation safety; or is reinstated after being dismissed for a cause related to student transportation safety. (Vehicle Code 1808.8, 13376)

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

Training

***Note: Education Code 40082, 40083, and 40085 specify training and experience required for initial and renewed certification as a driver of a school bus or student activity bus. The following section lists additional required and optional training and may be revised to reflect

district practice.***

In addition to any other training required to obtain or renew the certificate authorizing operation of a school bus or student activity bus, drivers shall receive training which includes, but is not limited to:

Note: Pursuant to Vehicle Code 12522, as part of the application process for a bus driver certificate, each driver must pass a DMV examination on first aid practices deemed necessary for school bus operators. Toward this end, the district is required to provide instruction for bus drivers on necessary first aid practices.

1. First aid practices deemed necessary for school bus drivers, through a course of instruction that prepares drivers to pass the related DMV examination (Vehicle Code 12522)

Note: Education Code 56195.8 mandates that each entity providing special education adopt policy ensuring that school bus drivers have received the training described in item #2 below.

2. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

(cf. 3541.2 - Transportation for Students with Disabilities)

3. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)

Note: To determine additional topics for professional development, the district might review district data as provided in the optional paragraph below. Training courses and guides are also available through governmental agencies and professional associations. For instance, the National Highway Traffic Safety Administration provides an inservice training program for experienced school bus drivers, available on its web site, which addresses driver attitude, student management, highway-rail grade crossing safety, vehicle training, routes, loading and unloading students, driving under adverse weather conditions, emergency evacuation, and transporting students with special needs.

To determine any other needs for professional development, the Superintendent or designee shall periodically review accident reports involving district drivers and may seek input from drivers, district and school administrators, students, and/or other stakeholders on desired topics for professional development.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Authority

Note: 5 CCR 14103 mandates that the Governing Board adopt rules related to bus driver authority, including, but not limited to, specific administrative regulations related to suspension of riding privileges, and to make them available to parents/guardians, students, teachers, and other interested parties. For language related to suspension of riding privileges, see BP/AR 5131.1 - Bus Conduct.

Students transported in a school bus or student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. (5 CCR 14103)

(cf. 5131.1 - Bus Conduct)

The driver shall have the authority to discontinue the operation of a school bus or student activity bus whenever he/she determines that it is unsafe to continue.

(cf. 3516.5 - Emergency Schedules)
(cf. 3543 - Transportation Safety and Emergencies)

This regulation and AR 5131.1 - Bus Conduct shall be made available to parents/guardians, students, teachers, and other interested parties. (5 CCR 14103)

Responsibilities

The driver's primary responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in district plans and regulations pertaining to transportation safety.

The driver shall stop to load or unload students only at school bus stops designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

(cf. 3541 - Transportation Routes and Services)

The driver shall activate the amber warning light system, flashing red signal lights, and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

***Note: Vehicle Code 23125 prohibits a school bus driver from using a wireless telephone while driving the bus, except for work-related or emergency purposes. In addition, Vehicle Code 23123.5 prohibits the driver of any motor vehicle from using a wireless communications device for text-based communication, except when the device is specifically designed and configured to allow voice and hands-free operation. Requirements for "motor vehicles" are applicable to school buses and student activity buses pursuant to the definitions in Vehicle Code

415 and 545. At its discretion, the district may establish conditions that are more restrictive than law. See AR 3543 - Transportation Safety and Emergencies for language detailing these requirements.***

The driver shall not drive a school bus or student activity bus while using a wireless telephone or using a wireless communications device for text-based communication, except when otherwise authorized by law and AR 3543 - Transportation Safety and Emergencies.

The driver shall report the following to the Superintendent or designee:

Note: Pursuant to 13 CCR 1215, school bus drivers must prepare and sign a written report at the completion of each day's work regarding the condition of the equipment listed in 13 CCR 1215, as provided in item #1 below. For further information about this report, see AR 3543 - Transportation Safety and Emergencies.

1. The condition of the bus at the completion of each work day (13 CCR 1215)
2. His/her duty status for each 24-hour period, including, but not limited to, the number of hours on and off duty (13 CCR 1213)
3. Any traffic accident involving the bus (13 CCR 1219)

In addition to notifying the Superintendent or designee, the driver shall immediately notify the CHP of any traffic accident and, if the bus is operated under contract, his/her employer. (13 CCR 1219)

Note: Items #4-8 below are optional and may be revised to reflect district practice.

4. Traffic violations
5. Consistently late school dismissals which cause transportation delays
6. Overload runs
7. Recurring and serious student misbehavior | *
8. Parent/guardian and student complaints

Vehicle Idling

Note: 13 CCR 2480 prohibits idling of school buses, student activity buses, and other commercial motor vehicles within 100 feet of a school except under specified conditions. Failure to comply with the requirements specified in items #1-2 below may result in specified civil and/or criminal penalties to the driver or the Superintendent or designee who directs school bus operations.

The driver of a school bus or student activity bus shall: (13 CCR 2480)

1. Turn off the bus engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart

1. Not cause or allow the bus to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

(cf. 3514 - Environmental Safety)

However, vehicle idling may be allowed under limited conditions, including, but not limited to, occasions when idling is necessary to: (13 CCR 2480)

1. Stop for an official traffic control signal or device, for traffic conditions under which the driver has no control, or at the direction of law enforcement

2. Ascertain that the bus is in safe operating condition and properly equipped ✓

3. Operate equipment designed to safely load, unload, or transport students with disabilities

4. Operate a heater, air conditioner, defroster, or other equipment as necessary to ensure the safety or health of passengers

5. Cool down a turbo-charged diesel engine before turning off the engine

6. Recharge a battery or other energy storage unit of a hybrid electric bus or vehicle

The Superintendent or designee shall notify all drivers, upon employment and at least once per year thereafter, of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall retain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

Reports

The Superintendent or designee shall retain records of: (13 CCR 1234)

1. Each driver's duty status and supporting documents provided pursuant to 13 CCR 1201 and 1213. Such records shall be retained for six months and made available to the CHP upon request.

2. The different types of vehicles and vehicle combinations each driver has demonstrated capability to operate.

3. Records of each driver's license, certificate, medical certificate, first aid certificate, and

training as specified in 13 CCR 1234.

4. Daily vehicle inspection reports prepared by drivers pursuant to 13 CCR 1215.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

39800.5 Qualifications of driver of 15-passenger van

39830-39842 School buses

40080-40090.5 Training required to obtain or renew bus driver certificate

45125.1 Criminal background checks for contractors

56195.8 Training in installation of mobile seating devices

HEALTH AND SAFETY CODE

39640-39642 Vehicle idling, penalties

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

415 Definition of motor vehicle

545 Definition of school bus

546 Definition of student activity bus

1808.8 Dismissal for safety-related cause

2570-2574 Contracts with private school bus contractors

12516-12517.4 Certification requirements

12522 First aid training for school bus drivers

13370-13371 Suspension or revocation of bus driver certificate

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

23123-23125 Prohibitions against use of wireless telephone and text communications while driving; exceptions

25257-25257.7 School bus equipment

34501.6 School buses; reduced visibility

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1202.2 Motor carrier safety

1212-1228 School bus driver requirements

1234 Reports regarding school buses and bus drivers

2480 Vehicle idling

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Transportation drug and alcohol testing programs

382.101-382.605 Controlled substance and alcohol use and testing

571.222 Federal motor vehicle safety standard #222

Management Resources:

DEPARTMENT OF MOTOR VEHICLES PUBLICATIONS

California Commercial Driver Handbook

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PUBLICATIONS

School Bus Driver In-Service Safety Series, October 2011

WEB SITES

California Air Resources Board: <http://www.arb.ca.gov>

California Department of Education, Office of School Transportation:

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

California Highway Patrol: <http://www.chp.ca.gov>

California Department of Motor Vehicles: <http://www.dmv.ca.gov>

California Department of Justice: <http://oag.ca.gov>

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration:

<http://www.nhtsa.dot.gov>

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CSBA Sample

Administrative Regulation

Transportation Safety And Emergencies

AR 3543

Business and Noninstructional Operations

Cautionary Notice: AB 1610 (Ch. 724, Statutes of 2010) amended Government Code 17581.5 to relieve districts from the obligation to implement specified statutes whenever they are identified in the Budget Act as being ones for which state mandate reimbursement is not provided for that fiscal year. As a result, certain provisions of the following administrative regulation that reflect those requirements may be suspended. It is recommended that districts consult legal counsel prior to suspending any provisions.

Note: The following regulation is for use by districts that provide school bus transportation services and employ their own school bus drivers. Districts that contract out for all transportation services may revise this regulation as appropriate to ensure that the contracting firm meets all legal requirements regarding transportation safety.

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment listed in 13 CCR 1215, including any defect or deficiency discovered by or reported to him/her which would affect safe operation or result in mechanical breakdown of the bus, or indicating that no defect or deficiency was discovered or reported. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

Passenger Restraint Systems

Note: Pursuant to Vehicle Code 27316 and 27316.5, any school bus or student activity bus purchased or leased for use in California must be equipped with a passenger restraint system if the bus was manufactured on or after the dates specified in law, as described below. Although it is the manufacturer's responsibility to ensure installation of appropriate passenger restraint systems, the district should be aware that buses manufactured or purchased from outside California may need to be modified to comply with the state's requirements. In addition, according to the California Department of Education's (CDE) Passenger Restraints Frequently Asked Questions, districts may, but are not required to, retrofit older school buses with passenger restraint systems with the original equipment manufacturer's approval. In determining whether to retrofit buses, the CDE recommends that districts consider the age of the bus, the total cost of the retrofit, and the required re-inspection of the bus by the California Highway Patrol.

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Is a Type 1 school bus manufactured on or after July 1, 2005 which is designed for carrying more than 16 passengers and the driver
2. Is a Type 2 school bus or student activity bus manufactured on or after July 1, 2004 which meets one of the following criteria:
 - a. Is designed for carrying 16 or fewer passengers and the driver
 - b. Has a manufacturer's vehicle weight rating of 10,000 pounds or less and is designed for carrying not more than 20 passengers and the driver

Note: The following optional paragraph reflects legislative intent of Vehicle Code 27316.

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Note: Pursuant to Vehicle Code 27316, no person, district, or organization may be held criminally liable if a passenger improperly uses or fails to use the passenger restraint system. However, the CDE's Passenger Restraints Frequently Asked Questions encourages districts to develop procedures to enforce disciplinary actions for nonuse or improper use of the passenger restraint system.

***Note: The following optional paragraph may be expanded to specify the steps that should be taken by the driver to reasonably ensure that all passengers are properly restrained (e.g., verbal instructions to students, visual inspection), which may vary depending on the age/grade levels of

the students. Such steps also may be incorporated in district regulations adopted pursuant to 5 CCR 14103 related to student conduct on buses, bus driver authority, and the suspension of riding privileges; see BP/AR 5131.1 - Bus Conduct. ***

Bus drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

Fire Extinguishers

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

Electronic Communications Devices

Note: Vehicle Code 23123 prohibits any person from driving a motor vehicle while using a wireless telephone, except under the conditions described below. Pursuant to the definitions in Vehicle Code 415 and 545, a "motor vehicle" would include a school bus or student activity bus. In addition, Vehicle Code 23125 prohibits a person from driving a school bus while using a wireless telephone except for work-related or emergency purposes. At its discretion, the district may establish conditions that are more restrictive than law and should revise the following list accordingly.

A bus driver shall not drive a school bus or student activity bus while using a wireless telephone, except under the following conditions: (Vehicle Code 23123, 23125)

1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving
2. For emergency purposes, including, but not limited to, a call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity ✓
3. For work-related purposes

(cf. 3513.1 - Cellular Phone Reimbursement)

***Note: Vehicle Code 23123.5 generally prohibits any person from driving a motor vehicle while using an electronic wireless communications device for text-based communication. AB 1536 (Ch. 92, Statutes of 2012) amended Vehicle Code 23123.5 to add an exception for the use

of voice-operated and hands-free operation of an electronic wireless communications device. At its discretion, the district may establish conditions that are more restrictive than law and should revise the following paragraph accordingly.***

A bus driver shall not drive while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)

Safe Bus Operations

Note: Pursuant to Education Code 39834, any Governing Board member, employee, or other person who knowingly operates or permits operation of a school bus in excess of its seating capacity is guilty of a misdemeanor. However, the Board is authorized to adopt policy that allows seating capacities to be exceeded in cases of emergency; see BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. (Education Code 39834)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: Vehicle Code 34501.6 mandates any district that provides student transportation to adopt procedures that limit bus operation when atmospheric conditions reduce visibility, as described below, and that give drivers for school activity trips discretionary authority to discontinue operation when it is unsafe.

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips may discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

Unauthorized Entry

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

(cf. 3515.2 - Disruptions)

Transportation Safety Plan for Boarding and Exiting Buses

Note: The district should modify items #1-2 below to reflect grade levels offered by the district. A district that does not maintain any of grades prekindergarten through 8 should delete items #1-2.

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall include all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

Parental Notifications

Note: The following section is for use by districts that offer any of grades prekindergarten through 6 and should be revised to reflect the grade levels offered by the district.

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall contain: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. A description of the school bus danger zone
5. Instructions for safety while walking to and from school bus stops

(cf. 5145.6 - Parental Notifications)

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.

Note: Item #2 below is for use by districts that offer any of grades prekindergarten through 8 and should be revised to reflect the grade levels offered by the district.

2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:

- a. Proper loading and unloading procedures, including escorting by the driver
- b. How to safely cross the street, highway, or private road
- c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
- d. Proper passenger conduct
- e. Bus evacuation procedures
- f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

Each time the above instruction is given, the following information shall be documented:

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction

- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the California Highway Patrol.

Note: Item #3 below applies to all students in grades ⁰prekindergarten through 12 and may be revised to reflect grade levels offered by the district.

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Legal Reference:

EDUCATION CODE

39830-39842 Transportation, school buses

51202 Instruction in personal and public health and safety

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

415 Definition of motor vehicle

~~545-546 Definition of school bus and student activity bus~~

22112 Loading and unloading passengers

23123 Use of wireless telephone prohibited while driving motor vehicle

23123.5 Text communications prohibited while driving motor vehicle

23125 Use of wireless telephone prohibited while driving school bus

27316-27316.5 Passenger restraint systems

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses

34501.6 School buses; reduced visibility

34508 California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses

CODE OF REGULATIONS, TITLE 5

14100-14105 School buses and student activity buses

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety

2480 Airborne toxic control measure; limitation on bus idling

CODE OF REGULATIONS, TITLE 19

574-575.3 Inspection and maintenance of fire extinguishers

CODE OF FEDERAL REGULATIONS, TITLE 49

571.1-571.500 Motor vehicle standards, including school buses

Management Resources:

WEB SITES

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

California Association of School Transportation Officials: <http://www.castoways.org>

California Department of Education, Office of School Transportation:

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

California Highway Patrol: <http://www.chp.ca.gov>

National Coalition for School Bus Safety: <http://www.ncsbs.org>

National Transportation Safety Board: <http://www.nts.gov>

U.S. Department of Transportation, National Highway Traffic Safety Administration:

<http://www.nhtsa.dot.gov>

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CSBA Sample

Board Policy

Nondiscrimination In Employment

BP 4030

Personnel

Note: The following policy reflects the provisions of the California Fair Employment and Housing Act (FEHA) (Government Code 12900-12996), which prohibits employers from discriminating against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, age, sex, sexual orientation, gender, gender identity, gender expression, religious creed, physical or mental disability, medical condition, marital status, or genetic information. All of these protections also are provided under various provisions of federal law, including Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), the Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Genetic Information Nondiscrimination Act (42 USC 2000ff-2000ff-11).

Note: For policy addressing sexual harassment of and by employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

The Governing Board desires to provide a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from harassment in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4033 - Lactation Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
- (cf. 4154/4254/4354 - Health and Welfare Benefits)
- (cf. 5145.7 - Sexual Harassment)

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

***Note: Government Code 12940, as amended by AB 1964 (Ch. 287, Statutes of 2012),

provides that a district may not discriminate against an employee or job applicant based on the person's religious beliefs, observances, or dress or grooming practices unless it can demonstrate that it has explored available reasonable alternative means of accommodating the person but is unable to reasonably accommodate him/her. In addition, Government Code 12926, as amended by AB 2386 (Ch. 701, Statutes of 2012), clarifies the definitions of "religious creed" and "sex," as stated below.***

The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)

Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Note: In Thompson v. North American Stainless LP, the U.S. Supreme Court held that a third party may file an antiretaliation suit.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Note: Many nondiscrimination laws and regulations require identification of an employee who will be responsible for compliance with the nondiscrimination laws, as provided in the following paragraph. For example, pursuant to 34 CFR 104.7 and 106.8, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Title IX and Section 504, which prohibit discrimination on the basis of sex and disability.

The following position is designated as Coordinator for Nondiscrimination in Employment:

(position/title) Superintendent
3901 North Mesa School Road, Summit
(805) 465-1411

(address)

(telephone number)

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Note: For a sample procedure to be used by district employees or job applicants to complain about perceived discrimination in employment, see AR 4031 - Complaints Concerning Discrimination in Employment.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Note: Pursuant to 2 CCR 7287.6, in certain instances, an employee's (especially a supervisor's) knowledge or notice of harassment may subject the district to liability. Therefore, it is recommended that the district require its employees with knowledge of harassment or discrimination to report the incident to the appropriate district authorities. In addition, Government Code 12940 provides that an employer may be responsible for the sexual harassment of employees by nonemployees where the employer knows or should have known of the conduct and failed to take immediate and corrective action. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years.

Note: In addition, Government Code 12940 requires districts to take all reasonable steps to prevent prohibited discrimination and harassment. Such steps include adopting an effective policy that contains provisions for training employees and providing them with required notifications. See AR 4119.11/4219.11/4319.11 - Sexual Harassment for information regarding sexual harassment training.

Note: Although not required by law, risk managers and legal counsel often recommend that all employees receive training regarding harassment in order to help mitigate damages in the event of litigation.

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131- Staff Development)

(cf. 4231- Staff Development)

(cf. 4331- Staff Development)

Note: Pursuant to 34 CFR 100.6(d) and 106.9 and 28 CFR 35.106, the district is required to continually notify job applicants that it does not discriminate on the basis of race, color, national origin, sex, disability, or age.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960) ✓

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

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

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

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

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CSBA Sample

Administrative Regulation

Reasonable Accommodation

AR 4032
Personnel

***Note: Pursuant to the federal Americans with Disabilities Act (ADA) (42 USC 12101-12213) and the state's Fair Employment and Housing Act (FEHA) (Government Code 12900-12996), the district has a duty to reasonably accommodate qualified employees and job applicants with known disabilities, except when such accommodation would cause an undue hardship to the district. This accommodation is not required for individuals who are not otherwise qualified for the job. ***

***Note: Pursuant to 28 CFR 35.150 and 35.160, the district must also afford individuals with disabilities (including community members, students, and employees) an equal opportunity to participate in or enjoy the benefits of a service, program, or activity. Therefore, the district may need to provide auxiliary aids and services to ensure that existing services and facilities are readily accessible to and usable by individuals with disabilities. See BP 0410 - Nondiscrimination in District Programs and Activities, BB 9320 - Meetings and Notices, and BB 9322 - Agenda/Meeting Materials. ***

***Note: The following optional administrative regulation is consistent with the recommendations contained in the Equal Employment Opportunity Commission's (EEOC) Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act and clarifies a district's responsibility under the ADA. ***

Except when undue hardship would result to the district, the Superintendent or designee shall provide reasonable accommodation:

1. In the job application process, to any qualified job applicant with a disability
2. To enable any qualified employee with a disability to perform the essential functions of the position he/she holds or desires to hold or to enjoy equal benefits or other terms, conditions, and privileges of employment as other similarly situated employees without disabilities

***Note: Pursuant to 28 CFR 35.107, each district having 50 or more (full- or part-time) employees must designate at least one employee to coordinate its efforts to comply with the ADA, including complaint investigation. This coordinator may be the same individual designated by the district pursuant to 34 CFR 106.8 to coordinate efforts to comply with and investigate complaints regarding Title IX (discrimination on the basis of gender). Districts that have not so designated an individual in BP 4030 - Nondiscrimination in Employment should modify the following paragraph to include the title of the individual designated by the district. See also AR 4031 - Complaints Concerning Discrimination in Employment. ***

The district designates the position specified in BP 4030 - Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Definitions

***Note: The following section contains some basic definitions of terminology used in the ADA. P.L. 110-325 amended 42 USC 12101 to expand the definition of "disability" and requires EEOC to revise its regulations and guidance to reflect the amendment. However, because FEHA has long provided additional protections under California law, the amendments will not likely have much impact in California. ***

***Note: Government Code 12926 and 12926.1 provide definitions of "physical disability" and "mental disability" that require a "limitation of a major life activity," but do not require a "substantial limitation." Government Code 12926 and 12926.1, and the amended federal law, provide that a condition limiting a major life activity shall be determined without respect to any mitigating measures (e.g., medications, assistive devices), unless the mitigating measure itself limits an individual's ability to participate in a major life activity. ***

***Note: The terminology used in the law is complex and is often the subject of litigation. The district should consult legal counsel if a question arises as to whether an individual has a qualifying disability and/or if an accommodation cannot be provided due to "undue hardship."

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 20 CFR 1630.2)

1. A physical or mental impairment that limits one or more of the major life activities
2. A record of such an impairment
3. Being regarded as having such an impairment

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (Government Code 12926)

***Note: Pursuant to 29 CFR 1630.2 and the EEOC's Enforcement Guidance, evidence as to whether a job function is "essential" includes the district's judgment, written job descriptions, the consequences of not requiring the incumbent to perform the function, the terms of a collective bargaining agreement, and work experience of past and current employees in the job. These considerations underscore the importance of developing and maintaining detailed, up-to-date job

descriptions, preferably signed by individuals holding the position. ***

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position. (Government Code 12926; 29 CFR 1630.2)

Reasonable accommodation means: (Government Code 12926; 29 CFR 1630.2)

1. For a qualified job applicant with a disability, modifications or adjustments to the job application process that enable him/her to be considered for the position he/she desires
2. For a qualified employee with a disability, modifications or adjustments to the work environment, or to the manner or circumstances under which the position the employee holds or desires is customarily performed, that enable him/her to perform the essential functions of that position or to enjoy equal benefits and privileges of employment as are enjoyed by the district's other similarly situated employees without disabilities

***Note: Pursuant to 29 CFR 1630.15, the district may require that, in order to be qualified for a job, a person must not pose a "direct threat" to the health and safety of himself/herself or others in the workplace. In 2002, the U.S. Supreme Court in *Chevron USA v. Echazabal* upheld the regulation as it relates to the health and safety of the employee requesting the accommodation. ***

***Note: Pursuant to 29 CFR 1630.2, a "direct threat" is a significant risk that cannot be eliminated or reduced by reasonable accommodation. Before finding that a person is not qualified by reason of posing such a threat, the district must consider whether reasonable accommodation could reduce the risk of harm to an acceptable level. If no such accommodation exists, the district may refuse to hire the applicant or may discharge the employee. ***

Qualified individual with a disability means a job applicant or employee with a disability who: (29 CFR 1630.15, 1630.2)

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position he/she holds or desires
2. Can perform the essential functions of the position with or without reasonable accommodation
3. Would not pose a significant risk of substantial harm, which cannot be eliminated or reduced by reasonable accommodation, to himself/herself or others in the job he/she holds or desires

***Note: In *US Airways, Inc. v. Barnett*, the U.S. Supreme Court laid out the burdens of proof for an individual with a disability and an employer in an ADA lawsuit alleging failure to provide reasonable accommodation. Once the employee shows that a requested accommodation is reasonable on its face, the burden shifts to the employer to provide case-specific evidence

proving that reasonable accommodation would cause an undue hardship in the particular circumstances. ***

***Note: 29 CFR 1630.2 lists factors relevant to the determination of undue hardship; see section below entitled "Granting Reasonable Accommodation." ***

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that the provision of a specific accommodation would cause significant difficulty or expense to the district. (29 CFR 1630.2)

Request for Reasonable Accommodation

***Note: The EEOC's Enforcement Guidance clarifies that, in requesting reasonable accommodation, the employee or job applicant is not required to mention the ADA, use the term "reasonable accommodation," or put the request in writing. Government Code 12940 requires that the district and employee or job applicant engage in an informal, interactive process to clarify the individual's needs and identify the appropriate reasonable accommodation. ***

***Note: Generally, according to the EEOC's Enforcement Guidance, a district is not obligated to ask an employee whether a reasonable accommodation is needed when the employee has not informed the district that an accommodation is necessary. However, the district should initiate the reasonable accommodation interactive process without being asked if the district (1) knows that the employee has a disability; (2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability; and (3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation. ***

***Note: With regard to job applicants, the EEOC's Enforcement Guidance states that the district may tell applicants what the hiring process involves and may ask applicants whether they will need reasonable accommodation for the process. Generally, the district may not ask an applicant whether he/she needs a reasonable accommodation for the job. ***

When requesting reasonable accommodation, an employee or his/her representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition. The supervisor shall inform the coordinator of the employee's request as soon as practicable.

When requesting reasonable accommodation for the hiring process, a job applicant shall inform the coordinator that he/she will need a reasonable accommodation during the process.

***Note: According to the EEOC's Enforcement Guidance, the district may ask the individual for reasonable documentation about his/her disability when the need for accommodation is not obvious. The following paragraph is consistent with the EEOC's Enforcement Guidance. ***

When the disability or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this

documentation, the coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations, and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the coordinator to submit a list of specific questions to his/her health care or vocational professional.

***Note: The EEOC's Enforcement Guidance states that if the employee provides insufficient documentation, the district may require the employee to undergo a medical examination, as specified below. However, before requiring the employee to submit to such an examination, the district should specify why the documentation is insufficient and give him/her an opportunity to provide the missing information in a timely manner. ***

If the documentation submitted by the employee does not indicate the existence of a qualifying disability or explain the need for reasonable accommodation, the coordinator shall request additional documentation that specifies the missing information. If the employee does not submit such additional documentation in a timely manner, the coordinator may require him/her to submit to an examination by a health care professional selected and paid for by the district.

The district may make a medical or psychological inquiry of a job applicant or require him/her to submit to a medical or psychological examination after he/she has been given a conditional offer of employment but before the commencement of his/her job duties, provided the inquiry or examination is job-related, consistent with business necessity, and required for all incoming employees in the same job classification. (Government Code 12940)

***Note: Pursuant to 42 USC 2000ff-1, 2000ff-11, the Genetic Information Nondiscrimination Act (P.L. 110-233), it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior, knowing, voluntary, and written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Any such information received by the district must be kept confidential. ***

The coordinator shall not request any job applicant's or employee's genetic information except as authorized by law. (42 USC 2000ff-1, 2000ff-5)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

***Note: Pursuant to 42 USC 12112, any information regarding the medical history or condition of a qualified individual with a disability must be treated as a confidential medical record. However, the district should inform supervisors of reasonable accommodation granted to qualified individuals with disabilities. In addition, when such an individual's disability may require emergency medical treatment, first aid and safety personnel should be informed. In *A.M. v. Albertsons, LLC*, a California appeals court held an employer liable when the employer failed to inform a supervisor about the accommodation allowed one of her subordinates and the subordinate suffered some injury when she was denied the accommodation on one occasion. ***

In accordance with law, the coordinator shall take steps to ensure the confidentiality of

information related to medical conditions or history. As applicable, he/she shall notify the supervisor or manager of the qualified individual of any reasonable accommodation granted the individual and may notify first aid and safety personnel when the disability of the qualified individual may require emergency treatment. (42 USC 12112)

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Granting Reasonable Accommodation

***Note: The following process is consistent with 29 CFR 1630.2 and the EEOC's Enforcement Guidance. ***

Upon receiving a request for reasonable accommodation from a qualified individual with a disability, the coordinator shall:

1. Determine the essential functions of the job involved
2. Engage in an informal, interactive process with the individual to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential accommodations, and assess their effectiveness

***Note: According to the EEOC's Enforcement Guidance, the district is not required to provide the reasonable accommodation preferred by the individual. Rather, the district must provide an accommodation that is "effective." An "effective accommodation" is one which enables the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment. ***

***Note: Pursuant to 42 USC 12112, the district must provide reasonable accommodation to qualified individuals unless the district can prove that to do so would cause undue hardship as defined in the section entitled "Definitions" above. The burden of proving undue hardship rests with the district and what may be an undue hardship for one district may not be an undue hardship for another, depending on factors such as cost and district size. The EEOC's Enforcement Guidance clarifies that even if the cost of an accommodation would cause undue hardship to a district, the qualified individual should have the option to pay for the portion of the cost that constitutes undue hardship, or to personally provide the accommodation. ***

3. Develop a plan for reasonable accommodation which will enable the individual to perform the essential functions of the job or gain equal access to a benefit or privilege of employment without imposing undue hardship on the district

A determination of undue hardship should be based on several factors, including: (29 CFR 1630.2)

- a. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding

- b. The overall financial resources of the facility making the accommodation, the number of persons employed at this facility, and the effect on expenses and resources of the facility
- c. The overall financial resources, number of employees, and the number, type, and location of facilities of the district
- d. The type of operation of the district, including the composition, structure, and functions of the workforce and the geographic separateness and administrative or fiscal relationship of the facility making the accommodation to other district facilities
- e. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business

The coordinator may confer with the site administrator, any medical advisor chosen by the district, and/or other district staff before making a final decision as to the accommodation.

Reasonable Accommodation Committee

~~***Note: At the suggestion of the Office for Civil Rights, some districts have established a reasonable accommodation committee to help in planning for the reasonable accommodation requested by an applicant or employee. The following optional section should be modified to reflect district practice. ***~~

~~The coordinator may appoint a committee to review or assist in the development of appropriate plans to reasonably accommodate qualified individuals who request modifications or adjustments in their work duties or environment because of known physical or mental disabilities.~~

~~Committee members shall be selected on the basis of their knowledge of the specific functions and duties required in the position, the physical work environment, available accommodations, and other relevant issues. The committee may include a district administrator, site administrator, medical advisor or rehabilitation specialist, and as necessary, a certificated and/or classified employee. Membership may change on a case-by-case basis.~~

~~At the coordinator's discretion, the employee or applicant requesting accommodation may participate in the committee's meetings. If the employee or applicant is excluded from the committee's meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.~~

Appeal Process

Any qualified individual with a disability who is not satisfied with the decision of the coordinator may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

1. A clear, concise statement of the reasons for the appeal

2. A statement of the specific remedy sought

The Superintendent or designee shall consult with the coordinator and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the individual his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Governing Board in accordance with the district's procedure for such complaints.

Note: The employee or applicant also may appeal directly to the Office for Civil Rights at any point.

Legal Reference:

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

UNITED STATES CODE, TITLE 29

701-794e Vocational Rehabilitation Act

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of employee

36.101-36.608 Nondiscrimination on the basis of disability by public facilities

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 Definitions

COURT DECISIONS

A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455

Colmenares v. Braemar Country Club, Inc., (2003) 29 Cal.4th 1019

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045

US Airways, Inc. v. Barnett, (2002) 535 U.S. 391, 122 S.Ct. 1516

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample

Board Policy

Recruitment And Selection

BP 4111 4211,4311

Personnel

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

Note: The following optional policy may be modified to reflect district practice. The Governing Board should ensure that district hiring procedures are designed to eliminate, or at least 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 efficient running 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)
(cf. 9000 - Role of the Board)

The Superintendent shall develop fair, open, and transparent recruitment and selection processes and procedures which ensure that employees 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.

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.

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. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4312.1 - Contracts)

Recruitment Incentives for Teachers

Note: The following optional ~~paragraph~~ reflects the purposes of the Teaching as a Priority (TAP) block grant program established by Education Code 44735. The goal of the program is to recruit credentialed teachers for high-priority schools, defined as schools ranking in the bottom half of the Academic Performance Index. The following paragraph may be revised to reflect incentives approved by the Board.

Contingent upon available funding, the Superintendent or designee may provide incentives to recruit credentialed teachers to teach in any district school ranked in the bottom half of the state Academic Performance Index. Such incentives may include, but are not limited to, signing bonuses, improved work conditions, teacher compensation, or housing subsidies. (Education Code 44735)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
44066 Limitations on certification requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44735 Incentive grants for recruiting teachers for low-performing schools
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
52051 Academic Performance Index

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>

Certification

Verification of Credentials

*****Note: The following optional section may be revised to reflect district practice. Education Code 44857 requires each person employed by the district in a position requiring certification qualifications to register a valid credential with the county office of education or with the district (if the district has an average daily attendance over 10,000), not later than 60 days after beginning employment in the district or not later than 60 days after renewing a credential.*****

*****Note: The Commission on Teacher Credentialing (CTC) no longer provides credentials in a paper format. 5 CCR 80001 provides that the official record of a credential is information obtained from the CTC web site. If an applicant has indicated a county of employment on his/her application, the county office of education will receive a download of credential information for that applicant. For all other certificated staff, the district must obtain verification of their employees' certification through the CTC's online service and may print the displayed information.*****

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid credential or permit issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

(cf. 4112.21 - Interns)

(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. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Basic Skills Proficiency

*****Note: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has met the basic skills proficiency requirement or is exempted from the requirement by law. Pursuant to Education Code 44252, persons who have been granted a credential by the CTC generally have met the requirement as a condition of obtaining the credential. According to CTC leaflet CL-667, Basic Skills Requirement, the basic skills proficiency requirement also may be met by passage of the California Basic Educational Skills Test, California Subject Examinations for Teachers: Multiple Subjects Plus Writing Skills Examination, California State University Early Assessment Program, California State University Placement Examinations, or a basic skills examination from another state.*****

unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

(cf. 4131 - Staff Development)

3. Written justification for the permit signed by the Superintendent or designee

*****Note: 5 CCR 80021 provides that a holder of the STSP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (multiple subject, single subject, education specialist). As amended by Register 2010, No. 43, 5 CCR 80021 provides that all STSPs will also include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed instruction in English (SDAIE); see AR 4112.22 - Staff Teaching English Language Learners. Upon request by the district and verification of the applicant's target-language proficiency, the STSP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language.*****

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

*****Note: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms when appropriately credentialed teachers cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued in one-year increments for no more than two years and may not be renewed for a second year unless the permit holder has taken all of the subject-matter examinations listed on the permit.*****

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a

diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

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

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist the permit holder.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Governing Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

*****Note: 5 CCR 80021.1 provides that a holder of the PIP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (multiple subject, single subject, education specialist). As amended by Register 2010, No. 43, 5 CCR 80021.1 provides that all PIPs will also include an English learner authorization allowing the holder to provide services in ELD or SDAIE; see AR 4112.22 - Staff Teaching English Language Learners. Upon request by the district and verification of the applicant's target-language proficiency, the PIP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language.*****

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Visiting Faculty Permits

*****Note: The following section is optional. Pursuant to Education Code 44300.1, the CTC may issue visiting faculty permits authorizing instruction in K-12 departmentalized classes to individuals who possess specified qualifications; verification of basic skills proficiency is not a requirement for this permit. Issuance of such a permit requires the employing district to provide the CTC with justification for the permit as provided below.*****

The district may request that the CTC issue a visiting faculty permit authorizing an individual to teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented 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, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach

*****Note: Pursuant to Education Code 44300.1, the district must submit a declaration of need as provided in item #2 below. According to CTC Coded Correspondence 07-23, the district should use the CTC form for Declaration of Need for Fully Qualified Educators. The Board's approval of the declaration must not be on the consent agenda and the motion must be entered in the minutes of the meeting; see the accompanying Board policy.*****

2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

Credential Waiver/Long-Term Emergency Permits

*****Note: Pursuant to Education Code 44225.7, the district may apply to the CTC for an emergency permit pursuant to Education Code 44300 or a credential waiver pursuant to Education Code 44225(m) when a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, is unavailable to the district. Emergency permits for multiple subject, single subject, and education specialist candidates were replaced with the STSP and PIP. However, CTC continues to offer the Emergency Resource Specialist Permit (5 CCR 80024.3.1), Emergency Teacher Librarian Services Permit (5 CCR 80024.6), Emergency Crosscultural, Language and Academic Development (CLAD) Permit (5 CCR 80024.8), and Emergency Bilingual Authorization Permit (formerly the Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit) (5 CCR 80024.7, as amended by Register 2010, No. 43).*****

*****Note: In order to qualify for this waiver or permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an internship program or are scheduled to complete preliminary credential requirements within six months.*****

If a teacher who has completed a teacher preparation program is unavailable for an assignment, the district shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved internship program in the

region of the district

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by the district

If an individual who meets the criteria specified in item #1 or 2 above is not available to the district, the district may, as a last resort, request from the CTC a credential waiver or an emergency permit for the assignment of an individual who does not meet those criteria. (Education Code 44225.7; 5 CCR 80023-80023.2, 80026)

The district may request an emergency permit authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD), bilingual, or teacher librarian services.

*****Note: As a condition of receiving a credential waiver or emergency permit, Education Code 44225.7 and 5 CCR 80023.2 and 80026 require the Board to annually certify that it has made reasonable efforts to recruit a fully prepared teacher. Pursuant to 5 CCR 80026, in the case of emergency permits, the Declaration of Need for Fully Qualified Educators must be approved by the Board at a regularly scheduled public Board meeting and cannot be on the consent agenda; see the accompanying Board policy.*****

In order to request an emergency permit, the district shall annually submit a Board-approved Declaration of Need for Fully Qualified Educators on a form provided by the CTC. The declaration shall include certification that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7; 5 CCR 80023.2, 80026)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation to teaching which, to the extent reasonably feasible, shall occur before he/she begins a teaching assignment. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

Emergency Substitute Teaching Permits

*****Note: The CTC issues emergency substitute permits that authorize service as a day-to-day substitute, including the (1) emergency 30-day substitute permit, (2) emergency career substitute teaching permit, (3) emergency substitute permit for prospective teachers, and (4) emergency substitute permit for career technical education. 5 CCR 80025-80025.5 specify restrictions pertaining to the number of days that each type of permit holder may substitute for any one teacher during the school year, as noted in items #1-4 below.*****

The district may employ for day-to-day substitute teaching, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person holding an emergency 30-day substitute permit, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve as a substitute in a special education classroom for more than 20 days for any one teacher during the

school year. (5 CCR 80025, 80025.3, 80025.4)

2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency substitute permit for career technical education shall teach only in a program of technical, trade, or vocational education and not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

*****Note: 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to item #1 or 4 above. The CTC form for the Statement of Need may be found online at the Commission's Information Guide, which may be accessed only by employers.*****

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

(11/06 11/08) 7/11

Interns

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

Note: Internship programs allow individuals to be fully paid teachers of record while completing a professional preparation program. "University internship programs" are administered by colleges and universities in partnership with school districts pursuant to Education Code 44450-44468, and "district internship programs" are administered by school districts in consultation with colleges or universities pursuant to Education Code 44325-44329.5 and 44830.3. In addition, Education Code 44380-44387 establishes an alternative certification program, designed to attract individuals into the teaching profession and address teacher shortages, which must be operated as either a university or district intern program. Any of these programs may receive additional funding by satisfying specified requirements of an enhanced internship program pursuant to Education Code 44387. See the accompanying administrative regulation for requirements related to all of these programs.

The Governing Board may employ interns to fulfill the district's need for additional instructional resources and to assist future teachers in meeting state credentialing requirements by linking teaching theory with practice.

The Superintendent or designee may enter into an agreement with an accredited college or university to provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall ensure that the district collaborates with the college or university in the selection, placement, support, and performance assessment of interns.

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

Note: To be employed as an intern, an individual must possess a proper internship credential issued by the Commission on Teacher Credentialing (CTC) authorizing the same service as a regular multiple subject, single subject, or education specialist credential.

Note: Before recommending a candidate for the internship credential, the internship program must certify that the candidate possesses the required qualifications and has completed a mandatory preservice training. The CTC took action in December 2007 to align the university internship program with the district internship program by requiring all intern candidates to complete at least 120 clock hours, or the semester or quarter unit equivalent, of preservice training which includes foundational preparation in general pedagogy, including classroom management and planning, reading/language arts, subject-specific pedagogy, human development, and teaching English learners; see CTC Coded Correspondence 08-03.

Note: In addition, the CTC's Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary and Single Subject Teaching Credentials (including internship programs) states that, because an intern is expected to perform the duties of a fully credentialed teacher before he/she has completed the teacher preparation program, it is important that the district review the candidate's prior experiences and personal qualifications to determine if he/she is adequately prepared for the position.

The Superintendent or designee shall ensure that interns employed by the district possess an appropriate internship credential from the Commission on Teacher Credentialing (CTC) and that their prior experiences and personal qualifications adequately prepare them for the responsibilities of the position.

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

An intern may be assigned to provide the same service as a holder of a regular credential in accordance with the authorizations specified on the internship credential. (Education Code 44454, 44325, 44326, 44830.3)

(cf. 4113 - Assignment)

Note: Districts must employ only "highly qualified" teachers to teach core academic subjects in accordance with the No Child Left Behind Act (NCLB) (20 USC 6319, 7801). Pursuant to 5 CCR 6100-6112, persons who are currently enrolled in an approved internship program for less than three years will be considered to have met NCLB requirements if they also hold at least a bachelor's degree and have met other requirements for demonstrating subject matter competence. See BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

To be assigned to teach core academic subjects, as defined in law, an intern must meet the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)

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

Note: The CTC's Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary and Single Subject Teaching Credentials require participating districts and postsecondary institutions to certify, as a condition of initial and continuing program accreditation, that interns will not displace certificated employees.

The employment classification of interns is complex. Districts should consult with legal counsel as to the appropriate terms of employment for interns.

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable. Interns shall not displace certificated district employees.

(cf. 4116 - Probationary/Permanent Status)
(cf. 4141/4241 - Collective Bargaining Agreement)

Note: Interns participating in any district or university internship program must be provided support and guidance by qualified district or university personnel; see the accompanying administrative regulation. In addition, pursuant to Education Code 44560-44562, interns in "staff priority schools," defined as schools with an aggregate Academic Performance Index at or below the 30th percentile in any of the five previous years, may be assigned a mentor teacher under the Certificated Staff Mentoring Program; see BP/AR 4138 - Mentor Teachers.

Note: AB 2057 (Ch. 223, Statutes of 2008) amended Education Code 44279.1 to clarify that interns are not eligible to participate in the Beginning Teacher Support and Assessment induction program; see BP 4131.1 - Beginning Teacher Support/Induction.

Interns shall receive systematic supervision and guidance by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and maintain frequent communication with the interns they are assigned to assist.

(cf. 4131 - Staff Development)

Mesa Union School District

Somis, California

Adopted:

(cf. 4138 - Mentor Teachers)

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated at least once every year in accordance with Board policy and the district's collective bargaining agreement.

(cf. 4115 - Evaluation/Supervision)

Note: Pursuant to Education Code 44328 and 44830.3, after an intern has completed service sufficient to meet program standards and performance assessments, the Governing Board may recommend to the CTC that the district intern be awarded a preliminary teaching credential or, if he/she meets the applicable requirements, a professional clear credential. Education Code 44468 contains similar provisions for interns who fulfill the early completion option for either the university or district internship program; see the accompanying administrative regulation. As clarified in CTC Coded Correspondence 03-0028, the internship program is not required to be a prescribed length, but must be of sufficient length to provide adequate opportunity for the intern to meet CTC standards and demonstrate performance of required teaching skills and knowledge.

When an intern has successfully completed the program, the Board may recommend to the CTC that the intern be awarded a preliminary or professional clear credential commensurate with his/her qualifications. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the program to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain teaching or education specialist credentials.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

300-340 *English language education for immigrant children*
 44253.3-44253.4 *Certificate to provide services to limited-English-proficient students*
 44253.10 *Qualifications to provide specially designed academic instruction in English*
 44259 *Minimum requirements for teaching credential*
 44314 *Diversified or liberal arts program*
 44321 *CTC approval of internship programs*
 44325-44329.5 *District interns*
 44339-44341 *Teacher fitness*
 44380-44387 *Alternative certification program; increased funding for internship programs*
 44450-44468 *Teacher Education Internship Act of 1967 (university interns)*
 44560-44562 *Certificated Staff Mentoring Program*
 44830.3 *Employing district interns*
 44885.5 *District interns classified as probationary employees*
 52055.605 *Identification of high priority schools, High Priority Schools Grant Program*
CODE OF REGULATIONS, TITLE 5
 6100-6126 *No Child Left Behind teacher requirements*
 13000-13017 *New Careers Program*
 80021.1 *Provisional internship permit*

80055 *Internship credential*
UNITED STATES CODE, TITLE 20
6319 *Highly qualified teachers*
7801 *Definitions, highly qualified teacher*

Management Resources:

COMMISSION ON TEACHER CREDENTIALING CORRESPONDENCE

08-03 Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, March 3, 2008

03-0028 Changes in District Intern Programs as a Result of Senate Bill 187, December 22, 2003

Implementation of SB 57, Early Completion Internship Option, March 10, 2003

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual, 2008

CTC Credential Handbook, revised 1997

California Standards for the Teaching Profession, 1997

Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary Multiple and Single Subject Teaching Credentials (including internship programs), rev. April 2008

Standards of Quality and Effectiveness for Education Specialist Credential Programs (Including University Internship Options) and Clinical Rehabilitative Services Credential Programs, December 1996

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, rev. January 16, 2004

WEB SITES

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

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

(11/06 7/07) 11/08

Interns

Note: The following administrative regulation is optional. Districts should select the section(s) below which reflect the program(s) available within the district. In addition to meeting legal requirements, internship programs must be approved by the Commission on Teacher Credentialing (CTC) and satisfy the applicable Standards of Quality and Effectiveness.

University Internship Program

Note: The following optional section is for use by districts that participate in university internship programs pursuant to Education Code 44450-44468. University internship programs are administered by colleges or universities in partnership with districts. Districts participating in such a program should also use the section entitled "Early Completion Option" below.

The Superintendent or designee shall cooperate with a college or university in the development, implementation, and coordination of the university internship program. (Education Code 44452, 44465, 44467)

(cf. 4112.2 - Certification)

The Superintendent or designee may enter into an agreement with a college or university for the employment of competent and qualified college or university staff members to supervise and guide interns as they pursue their district responsibilities. (Education Code 44461)

Note: The following optional paragraph is for use by districts that pay for the supervision of interns out of district funds pursuant to Education Code 44462.

Salary payments for the supervision of interns may be made out of district funds and may be met by proportionately reducing the salaries of paid interns. In such cases, no more than eight interns may be supervised by one staff member and the district salary normally paid to interns may be reduced by no more than one-eighth to pay the supervisor's salary. The intern shall not be paid less than the minimum salary required by the state for a regularly certificated teacher. (Education Code 44462)

(cf. 4151/4251 - Employee Compensation)

Before an intern enrolls in any college or university program to renew his/her internship credential, the Superintendent or designee shall counsel the intern and plan a program for the first and subsequent renewals. (Education Code 44457)

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

District Internship Program

Note: The following optional section is for use by districts that offer district internship programs pursuant to Education Code 44325-44329 and 44830.3. District internship programs are administered by school districts in consultation with a college or university. Districts offering such a program should also use the section entitled "Early Completion Option" below.

The Superintendent or designee shall, in consultation with a college or university, develop and implement a professional development plan for district interns. This plan shall include, but not necessarily be limited to, the components described in Education Code 44830.3, including provisions for mandatory preservice training tailored to the grade level or class to be taught, additional instruction during the first year of service when required, and an annual evaluation of the district intern. (Education Code 44830.3)

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

Each district intern shall be assisted and guided by either of the following: (Education Code 44326, 44830.3)

1. A certificated employee who possesses valid certification at the same level or the same type of credential as the district intern he/she serves, and who is selected through a competitive process adopted by the Governing Board after consultation with the exclusive teacher representative unit

(cf. 4112.2 - Certification)
(cf. 4138 - Mentor Teachers)
(cf. 4140/4240 - Bargaining Units)

2. Personnel employed by a college or university to supervise student teachers

The Superintendent or designee shall ensure that appropriate records are maintained, showing the credit earned by each district intern. (Education Code 44327)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Note: Pursuant to Education Code 44325, a district intern's credential is valid for two years, except that the credential may be valid for three years if the intern is participating in a program that leads to the attainment of a specialist credential to teach students with mild and moderate disabilities, or for four years if the intern is participating in a program that leads to the attainment of both a specialist credential and either a multiple subject or single subject teaching credential. In all cases, the district may recommend a one-year extension.

When a district intern's credential expires, the Superintendent or designee may recommend to the Commission on Teacher Credentialing (CTC) that the intern's credential be extended for one year. (Education Code 44325)

Early Completion Option

Note: The following section is for use by districts that offer a university internship program and/or a district internship program. The early completion option required by Education Code 44468 provides interns who are preparing for either a multiple or single subject teaching credential an opportunity to challenge the coursework of an internship program and to demonstrate teaching skills through performance assessments.

***Note: In accordance with CTC correspondence issued March 10, 2003, any internship program approved by the CTC must have a plan which includes descriptions of (1) any coursework and field experiences that will be required of all early completion

interns; (2) how the program requirements will be met, how program milestones will be sequenced and met, and how early completion interns will receive advisement; (3) how interns will engage in and successfully complete the Teaching Performance Assessment (TPA); (4) the TPA plan for those who pass the Teaching Foundations Exam; (5) how interns who do not successfully complete the initial TPA tasks will be provided an individualized plan and matriculate through the regular internship program; and (6) how early completion interns will be linked/articulated with induction programs.***

An intern may choose an early completion option leading to a five-year preliminary credential by completing the following requirements: (Education Code 44468)

1. Passing the CTC-approved assessment of knowledge of teaching foundations
2. Passing the CTC-approved Teaching Performance Assessment (TPA)
 - a. The intern shall first pass the assessment of teaching foundations described in item #1 before qualifying to take the TPA.
 - b. The intern may take the TPA only one time as part of the early completion option. An intern who is not successful on the TPA may complete his/her internship program and his/her scores shall be used to provide an individualized professional development plan that emphasizes preparation in areas where additional growth is warranted and waiving preparation in areas where the intern has demonstrated competence. The intern shall be required to retake and pass the TPA at the end of the internship in order to be considered for recommendation to the CTC.
3. For interns pursuing a preliminary multiple subjects credential, passing the reading instruction competence assessment described in Education Code 44283
4. Meeting the requirements for teacher fitness as set forth in Education Code 44339, 44340, and 44341

Alternative Certification Program for Addressing Teacher Shortages

Note: The following optional section is for use by districts that provide an alternative certification program pursuant to Education Code 44380-44387 to address teacher shortages in geographic and subject matter areas. An alternative certification program that has been approved by the CTC must be operated as a university and/or district internship program.

Note: Education Code 44380, as amended by SB 1186 (Ch. 518, Statutes of 2008), includes a legislative finding that serious shortages exist of mathematics and science teachers, teachers of limited-English-proficient students, minority teachers, and special education teachers. SB 1186 also amended Education Code 44385 to revise the criteria for selecting grant recipients to include consideration of the number of credentialed teachers at the school site and the district's capacity to provide mentoring support and assistance to interns.

To assist with recruitment of teachers in geographic and subject matter shortage areas, the district shall implement an alternative certification program that encourages persons with work experience and others who already have a bachelor's degree in the field in which they plan to teach to obtain a permanent credential. (Education Code 44382)

Note: The district may modify the following paragraph to reflect program(s) available in the district.

The district's alternative certification program shall be operated as a university internship program and/or district internship program under the requirements specified above for the applicable program. (Education Code 44384)

Enhanced Internship Program

Note: The following section is optional and may be used by districts that offer a university internship program, a district internship program, or an alternative certification program. Education Code 44387 provides additional funding for internship programs to districts that agree to provide more preservice training on the teaching of English language learners, adhere to classroom supervision/observation requirements, maintain a small ratio of experienced teachers to interns, and address the distribution of interns, as provided below.

When granted additional state funding as an enhanced internship program, the district's program shall: (Education Code 44387)

1. Provide interns, before they provide instructional services, with the greater of the following:
 - a. 120 hours of intensive preservice training focused on the teaching of English language learners
 - b. 40 hours of preservice training in addition to all other required training, including, but not limited to, training related to services for English language learners pursuant to Education Code 44253.3, 44253.4, and 44253.10

Note: Education Code 44387 does not require that an experienced teacher who assists an intern be one who teaches at the same school as the intern, except to the extent possible. However, the experienced teacher must be employed by the school district and assigned to assist the intern at the school site.

2. Provide all teacher interns with 40 hours of classroom observation, supervision, assistance, and assessment by one or more experienced teachers who possess valid certification to teach the same grade level and the same subject matter and who are employed by the district, assigned to assist the interns at the interns' respective school sites, and, to the extent possible, teach at the same school sites as the interns

(cf. 4138 - Mentor Teachers)

Note: Education Code 44387 clarifies that each experienced teacher should not be assigned to assist more than five interns at the same school site.

3. Maintain a ratio of one experienced teacher to no more than five interns at the same school site

Note: Pursuant to Education Code 44387, in order to receive increased funding for the second year and beyond, districts must demonstrate to the CTC equity in distribution of interns, as provided below.

Beginning in the second year of receipt of state funding for this program, the district shall annually demonstrate that no "high priority school," defined as one that is ranked in deciles 1-5 on the Academic Performance Index, will have a higher percentage of interns than the district-wide average of interns per school in that year. (Education Code 44387, 52055.605)

(cf. 0520.1 - High Priority Schools Grant Program)

(11/06 11/07) 11/08

CSBA Sample

Board Policy

Drug And Alcohol Testing For School Bus Drivers

BP 4112.42 4212.42,4312.42

Personnel

Note: State and federal law (Vehicle Code 34520; 49 CFR 382.101-382.605) require that any district employing school bus drivers establish a drug and alcohol testing program, with specified components, applicable to bus drivers and any other drivers of a commercial motor vehicle weighing over 26,000 pounds or designed to transport 16 or more passengers including the driver. All testing must be conducted in accordance with 49 CFR 40.1-40.413. For further information, see the web sites of the U.S. Department of Transportation (DOT) and the California Highway Patrol (CHP).

Note: In addition, Vehicle Code 34520.3 requires drivers of school transportation vehicles (i.e., vehicles that are not school buses, student activity buses, or youth buses and are used by the district for the primary purpose of transporting children), such as a van, to participate in the testing program to the same extent as required by law for school bus drivers. The Legislative Counsel has issued an opinion that Vehicle Code 34520.3 applies only to employees whose primary job is transportation. The district should consult legal counsel as necessary to determine applicability of this law to district employees.

Note: The district's drug and alcohol testing program is subject to compliance inspections conducted by the CHP. It is recommended that the district review the CHP's Controlled Substances and Alcohol Testing Compliance Checklist to assess whether its program fulfills legal requirements.

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

A driver shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when

he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the driver's ability to safely operate a bus. In addition, a driver shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201-382.209, 382.213)

Note: 49 USC 31306 and 49 CFR 382.301-382.311 require that certain types of tests be part of the district's drug and alcohol testing program. See the accompanying administrative regulation for requirements applicable to each test.

Note: Pursuant to 49 CFR 382.301, the district may, but is not required to, conduct pre-employment alcohol testing. The following paragraph should be revised by districts that choose to conduct such testing.

The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

Note: Pursuant to 49 CFR 40.11, districts are responsible for implementing the drug and alcohol testing program. They may do this using their own employees, contracting for services, or joining together in a consortium with other employers. The following optional paragraph provides that the district will contract for such services and may be revised by districts that use alternative methods.

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

Note: Pursuant to 49 CFR 40.21 and 382.119, before temporarily removing a driver from safety-sensitive functions, the district must receive verification of the test results from a licensed physician certified as a medical review officer, unless a waiver of this requirement has been obtained from the Federal Motor Carrier Safety Administration.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

Note: Pursuant to Vehicle Code 13376, upon receiving a report of a driver's refusal, failure to comply, or positive test result, the California Department of Motor Vehicles will revoke the driver certificate or refuse to approve an initial application for a certificate. An exception exists for a driver who complies with a rehabilitation or return-to-duty program that meets the requirements of federal regulations. For purposes of retaining his/her certificate, the driver may participate in such a program only once within a three-year period.

Note: The following paragraph is optional. Pursuant to 49 CFR 40.289, the district is not required to provide education and treatment services to any driver. However, if the district offers the driver an opportunity to return to work following a violation, then it must ensure that the driver receives an evaluation by a qualified substance abuse professional and successfully complies with the evaluation recommendations. Responsibility for payment for evaluation and services is to be determined by the district and driver and may be governed by a collective bargaining agreement and health care benefits.

Any driver who refuses, fails to comply, or has a positive test result may be referred to an education and treatment program that meets the requirements of 49 CFR 40.281-40.313. If the substance abuse professional recommends that ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor his/her compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 4161/4261 - Leaves)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4261.1 - Personal Illness/Injury Leave)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Voluntary Self-Identification

Note: The following section is for use by districts that choose to establish a voluntary self-identification policy or program, pursuant to 49 CFR 382.121, which relieves drivers who admit alcohol or drug misuse from the federal requirements for referral, evaluation, and treatment contained in 49 CFR 40.281-40.313. If the district chooses to establish such a program, it is mandated to adopt a written policy containing the provisions specified in items #1-3 below. Pursuant to 49 CFR 382.121, the district's program may also include employee monitoring and non-DOT follow-up testing. If the district chooses to incorporate these elements, it should add them to this list.

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

GOVERNMENT CODE

8355 Drug-free workplace; employee notification

VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety regulations

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service
UNITED STATES CODE, TITLE 41
8101-8106 Drug-Free Workplace Act
UNITED STATES CODE, TITLE 49
31306 Alcohol and drug testing
CODE OF FEDERAL REGULATIONS, TITLE 21
1308.11-1308.15 Controlled substances
CODE OF FEDERAL REGULATIONS, TITLE 49
40.1-40.413 Procedures for transportation workplace drug and alcohol testing programs
382.101-382.605 Drug and alcohol use and testing; especially:
382.205 On-duty use
382.207 Pre-duty use
382.209 Use following an accident

Management Resources:

CALIFORNIA HIGHWAY PATROL PUBLICATIONS

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:
<http://www.dot.gov/ost/dapc>

CSBA Sample

Administrative Regulation

Drug And Alcohol Testing For School Bus Drivers

AR 4112.42
Personnel

Note: The following administrative regulation reflects state and federal requirements (Vehicle Code 34520; 49 CFR 40.1-40.413, 382.101-382.605) for drug and alcohol testing of school bus drivers, including pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Pursuant to 49 CFR 40.27, the district must not require a driver to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process.

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process. (49 CFR 382.107, 382.201, 382.505)

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus. (49 CFR 382.107)

(cf. 3540 - Transportation)
(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 4020 - Drug and Alcohol-Free Workplace)

Designated Employer Representative

***Note: 49 CFR 40.35 and 40.215 require the district to identify a "designated employer representative" to perform the duties specified in 49 CFR 40.3. The following paragraph may

be revised to reflect the title of the employee so designated.***

The Superintendent or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove drivers from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (49 CFR 40.3)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25, from any employer who has employed the driver at any time during the previous two years. In addition, the Superintendent or designee shall ask the driver if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that he/she did not obtain. The driver shall not be permitted to perform safety-sensitive functions if he/she refuses to provide consent to obtain the information from previous employers, the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district, or the driver or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413)

Upon making a contingent offer of employment to a driver and prior to the first time the driver performs safety-sensitive functions for the district, the Superintendent or designee shall require the driver to undergo testing for drugs and to receive a verified negative test result. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months or participated in a random drug testing program for the previous 12 months.
3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.
4. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

Note: The following optional paragraph is for use by districts that choose to conduct pre-employment alcohol testing; see the accompanying Board policy. Pursuant to 49 CFR 382.301, pre-employment alcohol testing is not required but, if the district chooses to conduct such testing, it must comply with the following requirements.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration level of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for alcohol use within eight hours of the accident, or for drug use within 32 hours of the accident, and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

Random Testing

Note: The district may revise the following paragraph to specify the method by which it will select drivers for random drug and alcohol testing. Pursuant to 49 CFR 382.305, the district must randomly select drivers for testing using a scientifically valid method such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Pursuant to 49 CFR 40.347, the district may contract with a third-party administrator or join a consortium of employers to operate the random selection process.

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

***Note: The district must annually test at least 10 percent of district drivers for alcohol and at least 50 percent for drugs, in accordance with the calculations and procedures described in 49 CFR 382.305. The minimum required percentage is subject to change as determined necessary by the Federal Motor Carrier Safety Administration (FMCSA). Any such change will be published in the Federal Register and on the FMCSA's web site and will be effective starting

January 1 following such publication.***

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

Note: The following section may be revised to reflect the position (e.g., driver's supervisor or other district employee) authorized and trained to make observations for reasonable suspicion drug or alcohol testing.

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the Superintendent or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after he/she completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Note: Pursuant to 49 CFR 40.307, after a driver successfully complies with education and treatment services, the substance abuse professional will prescribe a follow-up testing plan and will present that plan to the designated employer representative. The plan must direct that the driver be subject to at least six unannounced follow-up tests in the first 12 months following the driver's return to safety-sensitive functions.

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

Notifications

Note: Pursuant to 49 CFR 382.601, the district is mandated to adopt policy and procedures pertaining to misuse of drugs and alcohol and to provide these materials to each driver. When conducting compliance inspections, the CHP reviews whether district policy or regulations contain all of items #1-11 below.

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing

3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management

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

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

Note: 49 CFR 40. 333 and 382.401 specify the records that must be retained by the district and how long each record must be retained (i.e., one year, two years, three years, five years, or indefinitely). Upon receiving a request from the FMCSA to inspect any such record, the district must make the record(s) available for inspection at the district office within two business days.

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)

CSBA Sample

Administrative Regulation

Criminal Record Check

AR 4112.5 4312.5

Personnel

***Note: Pursuant to Education Code 44346.1, the Commission on Teacher Credentialing (CTC) is required to deny any credential application and to revoke any credential issued to a person who has been convicted of a violent or serious felony. ***

***Note: The state Department of Justice (DOJ) has instituted an electronic system for the submission of fingerprints (Live Scan) that replaces the process of manually recording an individual's fingerprint on cards. However, provisions of the Education Code have not yet been amended to reflect this technology and sections of the law still use the terminology "fingerprint identification cards." Where applicable, we have replaced the term "fingerprint identification card" with "fingerprint identification data" in order to include both the Live Scan and fingerprint card processes. ***

Note: The following regulation also applies to county offices of education and charter schools.

Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

Note: Pursuant to Education Code 44830.1, a plea of nolo contendere to a serious or violent felony constitutes a conviction, but a person may be hired and/or retained if the conviction is reversed and the formerly convicted person is acquitted of the offense in a new trial, or the charges are dismissed.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

However, a certificated employee may be hired by the district, without obtaining a criminal

record summary, if that employee became a permanent employee of another school district as of October 1, 1997. (Education Code 44830.1)

(cf. 4121 - Temporary/Substitute Personnel)

Note: Education Code 44830.2 provides that a district may enter into an agreement with other school districts within the county, or within contiguous counties, to share the criminal record information of applicants or temporary/substitute teachers in those multiple school districts. Either a district or the County Superintendent of Schools may be designated to act on behalf of the participating districts. The designated agency will send the fingerprint identification data to DOJ for processing, receive and review the criminal history from the DOJ, and maintain common lists of persons eligible for employment. See AR 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records.

Note: AB 2623 (Ch. 623, Statutes of 2000) added Penal Code 11105.75, operative July 1, 2002, which authorizes the DOJ, when the arrest record does not include fingerprints, to notify a district if it is determined that an applicant has a criminal history record.

Temporary Certificate of Clearance

*do we use?
no
2/31*

Note: The following optional section is for use by districts that issue temporary certificates pursuant to Education Code 44332.5 to authorize salary payments while a certificated employee's credential application is being processed. In many cases, the issuance of temporary certificates is handled by county offices of education.

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year. (Education Code 44332.6)

Subsequent Arrest Notification

***Note: Pursuant to Education Code 44830.1, the district is required to sign up for

"subsequent arrest notification" from the DOJ. With this service, the DOJ will notify the district of the subsequent arrest of any person whose fingerprints are maintained on file at the DOJ.***

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.5 Registering certificates by certain districts

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check
45126 Duty of Department of Justice to furnish information
PENAL CODE
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation
11105.2 Subsequent arrest notification
CODE OF REGULATIONS, TITLE 11
703 Release of criminal offender record information
708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

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

(10/97 10/98) 7/02

CSBA Sample Board Policy

Transfers

BP 4114

Personnel

Note: The following optional policy is for use by those districts that do not have transfer provisions included in the collective bargaining agreement with certificated employees. Those districts that have such provisions in the bargaining agreement may use and modify the following paragraph for consistency with the agreement.

Subject to the approval of the Governing Board, the Superintendent or designee may transfer a teacher from one district school to another when he/she determines the transfer is in the best interest of the district. (Education Code 35035)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4113 - Assignment)

Such transfers shall be determined in accordance with the district's collective bargaining agreement with certificated employees.

(cf. 4141/4241- Collective Bargaining Agreement)

Voluntary Transfers

The Superintendent or designee may establish processes and deadlines for the submission of transfer requests to facilitate staff assignments with minimal disruption to the educational program.

Upon receipt of a written transfer request by a teacher, the Superintendent or designee may consider the input of the principals at the current school and the requested school, alignment of the teacher's qualifications with needs of the school(s), and opportunities for the professional growth of the teacher.

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

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

Note: SB 1655 (Ch. 518, Statutes of 2006) added Education Code 35036 to allow principals of schools ranked in deciles 1-3 on the Academic Performance Index to refuse a request of a teacher to transfer into the school, as specified below.

CSBA Sample Administrative Regulation

Dismissal

AR 4117.4

Personnel

Note: Because Education Code provisions pertaining to dismissal are complex, districts are advised to seek legal counsel well before dismissal proceedings are instituted. As amended by AB 729 (Ch. 392, Statutes of 1995), Education Code 44932-44947 lists "unsatisfactory performance" rather than "incompetence" as a cause for dismissal. Districts are nevertheless advised to also retain in their policy a reference to their long-standing right under Education Code 44948.3 to dismiss probationary employees for unsatisfactory performance determined pursuant to Education Code 44660-44665.

Permanent Employees

Permanent employees shall not be dismissed from their position except when cause for dismissal can be shown. Cause and procedures for dismissal are defined by provisions of Education Code 44932-44947.

(cf. 4116 - Probationary/Permanent Status)

Probationary Employees (Districts of 250 ADA or more)

During the school year, certificated probationary employees may be dismissed for causes specified in Education Code 44932-44947 or for unsatisfactory performance determined pursuant to Education Code 44660-44665. Procedures and time limits for such action shall be those set forth in Education Code 44948.3.

(cf. 4115 - Evaluation/Supervision)

At the end of the school year, the Governing Board may decide not to rehire probationary employees without a statement of reasons, giving notice in accordance with Education Code 44929.21.

(cf. 4117.6 - Decision Not to Rehire)

Probationary Employees (Districts of less than 250 ADA)

Note: Option 1 below is for use by districts of less than 250 ADA that grant permanent status to certificated employees after two consecutive school years of service. Option 2 is for use by districts that do not grant permanent status.

Option 1: During the school year, certificated probationary employees may be dismissed for causes specified in Education Code 44932-44947 or for unsatisfactory performance determined pursuant to Education Code 44660-44665. Procedures and time limits for such action shall be those set forth in Education Code 44948.3.

(cf. 4115 - Evaluation/Supervision)

At the end of the school year, the Governing Board may decide not to rehire probationary employees without a statement of reasons, giving notice in accordance with Education Code 44929.21.

(cf. 4117.6 - Decision Not to Rehire)

Option 2: Certificated probationary employees may be dismissed only for causes specified in Education Code 44932-44947. (Education Code 44948)

During the school year, dismissal procedures shall be those set forth in Education Code 44932 et seq.

At the end of the school year, dismissal procedures shall be those set forth in Education Code 44948.5. The employee shall receive written notice on or before March 15 and may request a hearing, as provided by Education Code 44948.5, to determine if there is cause for not reemploying him/her. If the Governing Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44948.5)

Note: When dismissing a certificated probationary employee at the end of the year for cause, Education Code 44948.5 requires that a hearing requested by the employee be conducted by an administrative law judge. However, the judge's decision regarding the sufficiency of the cause is not binding on the Board.

(cf. 4121 - Temporary/Substitute Personnel)

Legal References:

EDUCATION CODE

- 44660-44665 Evaluation and assessment of performance
- 44842 Automatic declining of employment
- 44918 Substitute or temporary employee; reemployment rights
- 44929.21 Districts with 250 ADA or more; notice of reelection decision.
- 44929.23 Districts with daily attendance less than 250
- 44932-44947 Suspension and/or dismissal of permanent employees
- 44948 Dismissal or suspension of probationary employees during school year
- 44948.2 Election to use provisions of Education Code 44948.3
- 44948.3 Dismissal of probationary employees (over 250 ADA)
- 44948.5 Dismissal of probationary employees (under 250 ADA)

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

44953 Dismissal of substitute employees

44955 Reduction in number of permanent employees

GOVERNMENT CODE

3543.2 Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)

(12/91 12/92) 10/96

CSBA Sample

Administrative Regulation

Termination Agreements

AR 4117.5 4217.5,4317.5

Personnel

Note: The California Supreme Court held in *Randi W. v. Muroc Joint Unified School District* that, under specified circumstances, school authorities could be held liable for physical harm to a student molested by a former employee when they recommended the employee to another district. In light of this decision, districts should carefully consider any clause in a termination agreement that limits the district's ability to provide such information to prospective employers. In general, districts should not enter into termination agreements without legal advice.

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Note: Government Code 53260-53264 provides that employee contracts must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract and that copies of settlement agreements must be available to the public upon request. It is clear that these provisions apply to administrative staff, either certificated or classified, who are employed under a typical contract; see BP 4312.1 - Contracts. It is not clear, however, whether these provisions would apply to teachers or classified staff.

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

Note: Regardless of any provisions in a termination agreement, 5 CCR 80303 requires that, when a certificated employee leaves the district's employment as a result of allegations which constitute probable cause for the revocation of the employee's credential, the employer is required to notify the CTC. See AR 4117.4 - Employment Status Reports.

Legal Reference:

CIVIL CODE

47 Privileged communication

GOVERNMENT CODE

53260-53264 Employment contracts

LABOR CODE

1198.5 Inspection of personnel files by employees

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District, (1997) 14 Cal.4th 1066

Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516

(6/93) 10/97

CSBA Sample

Administrative Regulation

Decision Not To Rehire

AR 4117.6
Personnel

Note: The following optional regulation describes procedures for not rehiring non-permanent certificated employees. Pursuant to Education Code 44929.21 and 44929.23, the following regulation applies to (1) districts with 250 or more ADA and (2) districts with less than 250 ADA that grant permanent status after two consecutive school years to employees in positions requiring certification and that have elected to dismiss employees during the school year for unsatisfactory performance pursuant to Education Code 44948.2. This regulation should be deleted by (1) districts of less than 250 ADA that do not satisfy those conditions and (2) any size district with a collective bargaining agreement that includes procedures for not rehiring.

Note: The following procedure should not be used when a certificated employee is being laid off; those procedures are addressed in BP/AR 4117.3 - Personnel Reduction, which includes the specific hearing and reemployment rights for such employees, pursuant to Education Code 44949 and 44955.

The Superintendent or designee shall provide the Governing Board with his/her recommendations regarding the rehiring of probationary certificated personnel.

Note: In *Hoschler v. Sacramento City Unified School District*, a court held that, when providing notice of nonreelection pursuant to Education Code 44929.21, the district must ensure that the employee receives notice on or before March 15 either through personal service or through another method which will ensure actual receipt. Because the district provided notice via certified mail, but did not have evidence that the employee received the certified letter on or before March 15, the notice was not timely and the employee was deemed to have been reelected for the subsequent school year.

The Board may decide not to rehire a probationary employee for a second school year and give written notice of its decision to the employee at any time during his/her first year of employment. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second complete consecutive school year of employment. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44929.23)

Note: Because the employment classification of interns is complex, districts should consult with legal counsel regarding the terms of employment for interns. See BP/AR 4112.21 - Interns.

- (cf. 4112.21 - Interns)
- (cf. 4116 - Probationary/Permanent Status)
- (cf. 4117.3 - Personnel Reduction)

Legal Reference:

EDUCATION CODE

- 44885.5 District interns
- 44929.21 Districts with 250 ADA or more; notice of reelection decision
- 44929.23 Districts with daily attendance less than 250
- 44948.2 Election to use provisions of EC 44948.3
- 44948.3 Dismissal of probationary employees (over 250 ADA)
- 44949 Cause, notice and right to hearing required for dismissal of probationary employee
- 44955 Reduction in number of permanent employees

COURT DECISIONS

- Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258
- Fischer v. Los Angeles Unified School District ,(1999) 70 Cal.App.4th 87
- Bellflower Education Assn. v. Bellflower Unified School District, (1991) 228 CalApp.3d 805
- Fontana Teachers Assn. v. Fontana Unified School District , (1988) 201 Cal.App.3d 1517
- Grimsley v. Board of Trustees ,(1987) 189 Cal.App.3d 1440

(12/91 12/92) 7/04

CSBA Sample

Board Policy

Peer Assistance And Review

BP 4139

Personnel

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: Education Code 44500-44508 establishes the Peer Assistance and Review Program for Teachers. In order to implement such a program in the district, the Board and the exclusive representative of certificated employees in the district, if any, must negotiate the development and implementation of the program. If certificated employees are not represented, the district may develop a program consistent with law in order to be eligible to receive funding. Districts also may combine their program with those of other districts.

***Note: Pursuant to Education Code 44504, a district that chooses not to participate in the program must annually report, at a regularly scheduled Board meeting, its rationale for not participating.

Note: Pursuant to Education Code 44504, a district that chooses not to participate in the program shall not be eligible for a variety of other state funding appropriations including, but not limited to, the Instructional Time and Staff Development Reform Program and School Development Plans. These districts will be expected, starting February 1, 2002, to annually report, at a regularly scheduled Board meeting, their rationale for not participating.

In order to assist teachers who may need additional development in subject matter knowledge and/or teaching strategies, the Governing Board shall work with the local teachers' organization to establish and maintain a program of peer assistance and review linking participating teachers with exemplary teachers serving as consulting teachers. Consulting teachers shall provide sustained, intensive support including, but not limited to, multiple classroom observations, recommendations for staff development and regular meetings with participating teachers.

(cf. 4140/4240 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall establish in accordance with law a joint teacher-administrator peer review panel to manage the program.

Board decisions regarding the continued employment of an individual participating teacher shall include consideration of the results of the individual's participation in the peer assistance and review program and the recommendations of the consulting teacher and review panel.

(cf. 4115 - Evaluation/Supervision)
(cf. 4117.4 - Dismissal)

~~***Note: The following optional paragraph reflects the Legislature's intent that a district operating a Peer Assistance and Review program coordinate the program with other programs for professional staff development, the Beginning Teacher Support and Assessment program, and the evaluations of certificated employees required pursuant to Education Code 44664.***~~

The Board shall coordinate policies and procedures related to the district's peer assistance and review program with other district activities for staff development, teacher support and staff evaluation.

(cf. 4131 - Staff Development)
(cf. 4315.1 - Staff Evaluating Teachers)

Legal Reference:

EDUCATION CODE

44279.1-44279.7 Beginning teacher support and assessment

44325-44328 District intern program

44500-44508 Peer assistance and review program

44560-44562 Certificated Staff Mentoring Program

44662 Evaluation of certificated employees

44664 Evaluation

Management Resources:

WEB SITES

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

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

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

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

CSBA Sample

Administrative Regulation

Peer Assistance And Review

AR 4139
Personnel

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

Joint Teacher-Administrator Peer Review Panel

The joint teacher-administrator peer review panel shall: (Education Code 44502)

1. Select teachers to serve as consulting teachers
2. Review peer review reports prepared by consulting teachers
3. Make recommendations to the Governing Board regarding participants in the peer assistance and review program including forwarding to the Board the names of individuals who, after sustained assistance, have been unable to demonstrate satisfactory improvement
4. Annually evaluate the impact of the program in order to improve the program, including but not limited to, interviews or surveys of program participants, and submit any recommendations for improvement to the Board and exclusive representative of certificated employees in the district

(cf. 4140/4240 - Bargaining Units)

The majority of the panel shall be composed of certificated classroom teachers chosen by other certificated classroom teachers. The remainder of the panel shall be composed of school administrators chosen by the Superintendent or designee. (Education Code 44502).

Program Participation

Teachers may volunteer to participate in the program or may be referred as a result of an unsatisfactory rating in their performance evaluation. Teachers also may be referred pursuant to a collective bargaining agreement. (Education Code 44500)

(cf. 4115 - Evaluation/Supervision)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4315.1 - Staff Evaluating Teachers)

OPTION 1 (Districts with ADA of 250 or more):

A teacher participating in the program shall be a permanent employee of the district. (Education Code 44500)

OPTION 2 (Districts with less than 250 ADA):

A teacher participating in the program may be either a permanent or probationary employee of the district. (Education Code 44500)

(cf. 4116 - Probationary/Permanent Status)

Selection of Consulting Teachers

***Note: Pursuant to Education Code 44502, the joint teacher-administrator peer review panel's procedures for selecting consulting teachers must include, at a minimum, the procedures listed in the following paragraph. ***

Consulting teachers shall be selected by the majority vote of the joint teacher-administrator peer review panel. The selection process shall include provisions for the panel to observe the candidate's classroom. (Education Code 44502)

***Note: Education Code 44501 contains minimum qualifications needed by consulting teachers. The district may determine additional local criteria for the qualifications (e.g., National Board certification, etc.) of consulting teachers and expand the following list accordingly. ***

A teacher selected to serve as a consulting teacher shall: (Education Code 44501)

1. Have substantial recent experience in classroom instruction
2. Have demonstrated exemplary teaching ability as indicated by, at a minimum, effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of students in different contexts

OPTION 1 (Districts with ADA of 250 or more):

3. Be a credentialed classroom teacher with permanent status in the district

~~OPTION 2 (Districts with less than 250 ADA):~~

- ~~3. Be a credentialed classroom teacher who has completed at least three consecutive school years as an employee of the district in a position requiring certification~~

Program Components

The district's peer assistance and review program shall include: (Education Code 44500)

1. Written performance goals for an individual teacher that are clearly stated, aligned with student learning and consistent with the evaluation criteria specified in Education Code 44662
2. Assistance and review through multiple observations of a teacher during periods of classroom instruction
3. A cooperative relationship between the consulting teacher and the principal with respect to the process of peer assistance and review
4. Sufficient staff development activities to assist a teacher to improve his/her teaching skills and knowledge
5. A monitoring component with a written record

The final evaluation of a teacher's participation in the program shall be made available for placement in the teacher's personnel file. (Education Code 44500)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

CSBA Sample

Board Policy

Concerted Action/Work Stoppage

BP 4141.6 4241.6

Personnel

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

The Governing Board recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that does not disrupt school operations or impact student achievement.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

***Note: CSBA's publication *Before the Strike: Planning Ahead in Difficult Negotiations* recommends that districts begin to plan for the possibility of a work stoppage before a work stoppage is actually threatened. ***

The Board recognizes that advance planning is necessary to ensure that students receive the education to which they are entitled in the event of a work slowdown, sickout, strike, or other concerted activity by employees. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1100 - Communications with the Public)

(cf. 1112 - Media Relations)

(cf. 9000 - Role of the Board)

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, employees in the nonstriking unit, parents/guardians, students, law enforcement, the media, and others as appropriate.

***Note: Because the legality of strikes and strike conduct is dependent on the specific circumstances (see accompanying administrative regulation), the district should consult legal counsel before threatening or instituting discipline against an employee who has engaged in such activities. Also see BP/AR 4119.25/4219.25/4319.25 - Political Activities for information about permissible and prohibited political activities of employees and employee organizations. ***

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 4218 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

37200-37202 Instructional days

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3543.5-3543.6 Unfair labor practices

3548-3548.8 Impasse procedures

INSURANCE CODE

10116 Employee continuation of insurance coverage

UNITED STATES CODE, TITLE 29

1161-1169 Continuation coverage and additional standards for group health plan

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Management Resources:

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board Governance: Collective Bargaining

Political Activities of School Districts: Legal Issues, rev. 2001

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

WEB SITES

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

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

(12/89 6/97) 3/07

CSBA Sample

Administrative Regulation

Concerted Action/Work Stoppage

AR 4141.6 4241.6

Personnel

Note: The following optional regulation may be revised as desired to reflect district practice.

Note: The legality of public employee work stoppages in California is not specifically addressed in statutes and depends on the type of work stoppage, what provoked it and other circumstances. Generally, the Public Employment Relations Board has exclusive jurisdiction to determine if a strike is protected or unprotected under the Educational Employment Relations Act (Government Code 3540-3549.3). Districts may request that PERB seek an injunction to stop a strike or to limit certain strike behavior.

Maintenance of District Operations

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

Note: The district may extend the school year, if necessary, to make up for days lost during a work stoppage.

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

(cf. 6111 - School Calendar)

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage including potential costs, availability of qualified substitutes or other staffing, the ability to maintain the quality of the educational program and other essential services, and the ability to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining, paying and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.2/4261.2/4361.3 - Personal Leaves)

(cf. 4261.1 - Personal Illness/Injury Leave)

7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

(cf. 1100 - Communications with the Public)

(cf. 1112 - Media Relations)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

8. Equipment and supply needs

9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events

(cf. 6145 - Extracurricular and Cocurricular Activities)

10. Contingency plans for transportation

(cf. 3541 - Transportation Routes and Services)

11. Contingency plans for the provision of food services

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

12. Identification of outside resources who may be called upon to help with school operations

13. Coordination with law enforcement and other agencies

(cf. 1020 - Youth Services)

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

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

14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members

(cf. 0450 - Comprehensive Safety Plan)

15. Provisions for safe, effective board meetings

16. Cost estimates for the various strategies to be implemented during a work stoppage

17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization

18. Continuation of negotiations during a work stoppage

(cf. 4143/4243 - Negotiations/Consultation)

19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

Activities of Employees

***Note: In situations where strikes by employees are protected by the EERA, not all strike behavior is legal and employees who engage in unprotected activity may be subject to disciplinary action. Under most circumstances, peaceful picketing in areas considered public forums, distributing handbills or leaflets to employees or the public and letter writing are protected by the U.S. Constitution and California Constitution. However, picketers have no right to violate criminal laws or engage in misconduct which "may reasonably tend to coerce or intimidate [nonstriking] employees in the exercise of their rights" (Fresno Unified School District). ***

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other

employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

(cf. 3512 - Equipment)

Note: PERB has found certain employees' activities related to students to be unprotected under the EERA, including sending notes about a labor dispute to parents through the students as well as addressing students during duty time by stopping a school bus to encourage students to support a strike (Konocti Unified School District).

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

(cf. 6144 - Controversial Issues)

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Note: The district should consult legal counsel regarding its obligations to continue to pay benefits during a work stoppage and revise the following section accordingly. The district may be required to continue certain benefits depending on the number of days employees are absent from work or to offer employees an opportunity to pay for their own coverage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation. However, the district shall offer employees the option of paying their own coverage under COBRA. (29 USC 1161-1169)

If the district determines that it will withhold its contributions to employees' life and disability insurance, employees shall be offered an opportunity to retain these coverages by paying the contributions themselves. (Insurance Code 10116)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, he/she shall be entitled to continued payment as long as he/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

(12/89 12/91) 6/97

CSBA Sample

Board Policy

Negotiations/Consultation

BP 4143 4243

Personnel

The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In negotiating agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

(cf. 4140/4240 - Bargaining Units)

(cf. 4141/4241 - Collective Bargaining Agreement)

The Board shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Board and Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

Note: The following paragraph is optional. The district's approach to collective bargaining may follow a traditional/position-based model, collaborative/interest-based model, or a combination of approaches, and will depend on many factors, including past relationships, current bargaining status, and time commitments. Although it is ideal to have mutual agreement by the district and employee organization on the approach to be used, techniques of any approach(es) can be used by either party unilaterally.

In consultation with the Superintendent and employee organization, the Board shall determine the collective bargaining approach or method to be used.

The Board with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Certain meetings related to negotiations shall be held in closed session in accordance with Government Code 3549.1 when not required by state open meeting laws (the Brown Act) to be held in public. Matters discussed in these meetings shall be kept in strict confidence.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9010 - Public Statements)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)

The Board shall closely monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

(cf. 3100 - Budget)

Note: Government Code 3547 and 3547.5 require the Board, at public meetings, to present its initial contract proposals and the major provisions of the proposed agreement; see BP 4143.1/4243.1 - Public Notice - Personnel Negotiations.

The Board and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals.

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Note: Pursuant to Government Code 3540.2, if the district has a qualified or negative certification on an interim fiscal report, indicating that it may not or will not be able to meet its financial obligations for the current or subsequent fiscal years (see AR 3460 - Financial Reports and Accountability), it must allow the county office of education 10 working days to review and comment on any proposed collective bargaining agreement. During that time, the County Superintendent of Schools will notify the Superintendent, Board, and each parent-teacher organization of the district if, in his/her opinion, the proposed agreement would endanger the fiscal well-being of the district.

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

(cf. 3460 - Financial Reports and Accountability)

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government

Code 3540.1)

***Note: Pursuant to Government Code ~~3548~~, if the district and employee organization are unable to reach agreement, either party may declare an impasse and request assistance from the Public Employment Relations Board (PERB) in instituting mediation procedures in accordance with Government Code ~~3548-3548.8~~. ***

In the event of an impasse in negotiations, the Board shall participate in good faith in state mediation and factfinding procedures pursuant to Government Code 3548-3548.8.
(Government Code 3543.5)

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing by the Board and the employees' exclusive representative.

Consultation

Note: Pursuant to Government Code ~~3543.2~~, the exclusive representative of certificated personnel has the right to consult with the Board on matters specified below; all other matters are reserved to the Board. PERB has determined that consultation procedures are a mandatory subject of bargaining. Although required to consult on these matters, the Board should address the matters in policies and regulations rather than incorporating them into the negotiated agreement.

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 9310 - Board Policies)

Legal Reference:

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

Management Resources:

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board Governance: Collective Bargaining

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

WEB SITES

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.cescenter.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

(10/95) 3/07

CSBA Sample

Board Policy

Employee Assistance Programs

BP 4159 4259,4359

Personnel

Note: The following policy is optional and may be covered by the district's collective bargaining agreement.

The Governing Board recognizes that school district employees may have problems which can have detrimental effects upon job performance and student safety. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

***Note: Government Code 8355 and 41 USC 701, the state and federal Drug-Free Workplace Acts, require the district to inform its employees about any drug counseling, rehabilitation and employee assistance programs available to them. ***

Employees shall have confidential access to information about the district's employee assistance program. This information shall be available to all employees and their spouses and dependents.

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 5131.62 - Tobacco)

Management and supervisory staff shall be knowledgeable about the district's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

(cf. 4032 - Reasonable Accommodation)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4161/4261/4361 - Leaves)
(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

(cf. 4361.1 - Personal Illness/Injury Leave)

Legal Reference:

EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

(7/86 3/92) 7/02

CSBA Sample

Administrative Regulation

Leaves

AR 4161 4261,4361
Personnel

Failure to Return to Service After Leave

Note: Education Code 44842(c) addresses the return to service of a certificated employee at the beginning of the school year following a leave of absence after April 30 of the previous school year and authorizes termination of the employee if specified circumstances exist. As described in item #1 below, one of the circumstances is the employee's failure to report for duty, without good cause, after having notified the Governing Board of his/her intent to remain in service. See AR 4112.1 - Contracts for provisions of Education Code 44842 pertaining to the duty of all certificated employees to notify the district of their intention to remain in service if the district has issued a written re-employment notice requesting employees to provide such notice.

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

(cf. 4112.1 - Contracts)

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

(cf. 4117.4 - Dismissal)

Use of Leaves by Classified Employees

***Note: Education Code 45200 authorizes the Board to allow classified employees to switch

from vacation leave to another type of leave as provided below. The following optional section is for use by districts that choose to offer such an option to classified employees and may be used by districts that have adopted the merit system.***

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination.
(Education Code 45200)

(12/88 10/98) 7/08

CSBA Sample

Administrative Regulation

Industrial Accident/Illness Leave

AR 4161.11 4361.11
Personnel

Note: Education Code 44984 and 45192 mandate that the Governing Board adopt rules and regulations providing industrial accident and illness leave for certificated and classified employees. The following regulation is subject to collective bargaining agreements.

Note: For information about employees' rights related to workers' compensation benefits for industrial accidents or illnesses, see BP 4157.1/4257.1/4357.1 - Work-Related Injuries.

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her assigned duties. (Education Code 44984, 45192)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)
(cf. 4157.2/4257.2/4357.2 - Ergonomics)
(cf. 4161/4261/4361 - Leaves)

Note: Education Code 44984 and 45192 mandate that district rules and regulations specify the amount of allowable leave as provided in the following paragraph. The district should fill in the blank in the following paragraph to specify the maximum amount of leave allowed by the district which, pursuant to Education Code 44984 and 45192, must not be less than 60 working days in any one fiscal year for the same industrial accident or illness. In the absence of district rules and regulations, employees shall be entitled to industrial accident or illness leave, but without limitation as to the number of days of such leave.

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness. ★

Note: Pursuant to Education Code 45192, the Board may require that classified employees serve a specified period of time, not to exceed three years, before being eligible for industrial accident or illness leave. In addition, Education Code 45192 allows the Board, at its discretion, to require that the time be served continuously. The following optional paragraph should be revised to reflect district practice.

To be eligible for industrial accident or illness leave, a classified employee shall have served in the district continuously for at least three years.

***Note: Education Code 44984 and 45192 mandate that district rules and regulations include

the provisions in the following paragraph and items #1-4.***

Allowable industrial accident or illness leave shall not be accumulated from year to year.
(Education Code 44984, 45192)

When an employee is absent from his/her duties because of an industrial accident or illness:
(Education Code 44043, 44044, 44984, 45192)

1. The leave shall start on the first day of absence.
2. During the period of absence, the employee shall be paid such portion of his/her wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed his/her normal wage or salary.
3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.
4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Note: Pursuant to Education Code 44043, a certificated or classified employee who uses a paid leave of absence while receiving temporary disability benefits under state workers' compensation laws must endorse his/her workers' compensation check payable to the district, and the district shall then issue a salary warrant to the employee after deducting retirement contributions and other appropriate deductions (see Option 1 below). However, Education Code 44044 authorizes the district to waive this requirement, thereby allowing an employee to retain the workers' compensation check and receive a salary payment from the district with the equivalent amount of the workers' compensation check deducted (see Option 2 below).

~~OPTION 1:~~ During any paid leave of absence, the employee shall endorse to the district any workers' compensation checks received on account of an industrial accident or illness. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less any appropriate deductions, including, but not limited to, employee retirement contributions.
(Education Code 44043)

OPTION 2: During any paid leave of absence, the employee shall retain any workers' compensation check received on account of an industrial accident or illness. The employee shall notify the Superintendent or designee that he/she has received such check. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less an amount equivalent to the face amount of the workers' compensation check and other appropriate deductions, including, but not limited to, employee retirement contributions. Employee benefits shall be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments. (Education Code 44044)

Note: The remainder of this regulation applies to all districts.

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within California unless the Governing Board authorizes travel outside the state. (Education Code 44984, 45192)

Note: Education Code 45192 specifies that classified employees may return to their position during the leave of absence without suffering any loss of status or benefits and that the absence will not be considered a break in service. The law does not expressly provide this benefit to certificated employees. The following paragraph extends these provisions to all employees and should be revised by districts that choose to limit these provisions to classified employees. If the district chooses to limit these provisions to classified employees, it is recommended that the district consult legal counsel regarding potential legal risks.

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

(cf. 4116 - Probationary/Permanent Status)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 4216 - Probationary/Permanent Status)

Note: Education Code 45192 requires the district to notify classified employees in writing when their industrial accident or illness leave has been exhausted and to offer them an opportunity to request additional leave. Education Code 44984 authorizes certificated employees to use personal illness and injury leave upon expiration of the industrial accident or illness leave, but does not specifically require notification of the employee. The following paragraph extends this notification to all employees and should be revised by districts that choose to limit such notification to classified employees. If the district chooses to limit these provisions to classified employees, it is recommended that the district consult legal counsel regarding potential legal risks.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

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

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary. (Education Code 44984, 45192)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

If a certificated employee is unable to resume the duties of his/her position after exhausting all

accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

Note: While the Education Code allows probationary certificated employees to be placed on a 24-month reemployment list, there is no equivalent 24-month reemployment list for probationary classified employees. Pursuant to Education Code 45192, all classified employees, whether permanent or probationary, are placed on a 39-month reemployment list.

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed. (Education Code 45192)

(cf. 4217.3 - Layoff/Rehire)

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

Legal Reference:

EDUCATION CODE

44043 Temporary disability

44044 Temporary disability checks; waiver of endorsement to district

44977 Salary deductions during absence from duties

44978 Provisions for certificated employee sick leave

44978.1 Inability of certificated employee to return to duty; placement in another position or on reemployment list

44983 Exception to sick leave

44984 Industrial accident and illness leave, certificated employees

45191 Personal illness and injury leave, classified employees

45192 Industrial accident and illness leave, classified employees

LABOR CODE

3200-6002 Workers' compensation

Management Resources:

WEB SITES

Department of Industrial Relations: <http://www.dir.ca.gov>

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CSBA Sample

Administrative Regulation

Personal Leaves

AR 4161.2 4261.2,4361.2

Personnel

Note: The following administrative regulation is subject to collective bargaining agreements.

Note: As provided in the following paragraph, Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, pursuant to Family Code 297.5, any reference to an employee's spouse throughout the following regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state code (e.g., Education Code, Military and Veterans Code). Districts should consult legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

For the purpose of any personal leave offered pursuant to state law, 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)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Note: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below and enlarge the benefits provided by law. The following two paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Note: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and classified employees if specified in their collective bargaining agreement or, if there is no collective bargaining agreement for classified employees, then in a Board resolution. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Note: Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

Employees may use a maximum of seven days of their accrued personal illness/injury leave during each school year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

***Note: Education Code 44981 provides that a certificated employee may use personal necessity leave for the serious illness of a member of his/her immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult legal counsel regarding any interaction of Education Code provisions with Labor Code 233, which states that any employer who provides personal illness/injury leave for employees must permit employees to use personal illness/injury leave to attend to the illness of a child, parent, spouse, registered domestic partner, or registered domestic partner's child. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or

foster placement of a new child; the care of a seriously ill child, parent, or spouse/registered domestic partner; or the employee's own serious health condition.***

3. A serious illness of a member of the certificated employee's immediate family (Education Code 44981)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

Note: Education Code 45207 provides that classified employees may use personal illness/injury leave for required court appearances, as provided in item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Legal Duties" below.

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

Note: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

5. Fire, flood, or other immediate danger to the home of the employee

6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Note: Education Code 44981 and 45207 specify circumstances under which certificated and classified employees cannot be required to seek advance permission for the leave. However, only certificated employees are afforded the right, pursuant to Education Code 44981, to not be required to provide advance notice for leave due to a serious illness of the employee's family member. Districts may, at their discretion, extend this right to all employees as stated in the following optional paragraph. Districts that wish to restrict the provision to certificated employees should revise the paragraph accordingly.

Note: Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or the California Family Rights Act (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family, an accident involving the employee's person or

property or the person or property of a member of his/her immediate family, or the serious illness of a member of his/her immediate family. (Education Code 44981, 45207)

However, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

Note: Education Code 44981 and 45207 mandate the adoption of regulations requiring, and prescribing the manner of, proof of personal necessity. The following paragraph may be revised to specify the manner of proof required by the district.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

Note: Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that he/she seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of his/her service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

Note: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in items #1-2 below.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.
(Education Code 44037)

Note: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not extend such leave should delete this paragraph.

A certificated employee also shall be granted leave for jury duty with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.

~~***Note: Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear as witnesses in court other than as litigants or to respond to orders from another governmental jurisdiction. The following paragraph is optional. Districts that do not grant such leave should delete this paragraph.***~~

Employees shall be granted leave to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

Leaves for Crime Victims

~~***Note: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.***~~

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

~~***Note: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee. The district should modify the following paragraph as necessary to reflect the terms of its collective bargaining agreement(s).***~~

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work

by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Domestic Violence or Sexual Assault

Note: Labor Code 230 and 230.1 prohibit a district from taking adverse employment action against an employee who is a victim of sexual assault or domestic violence and who takes leave as described in the following section. Pursuant to Labor Code 230 and 230.1, such an employee may use vacation, personal leave, or compensatory time off that is otherwise available under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee. The district should modify the following paragraph as necessary to reflect the terms of its collective bargaining agreement(s).

An employee who is a victim of domestic violence or sexual assault as defined by law may use vacation, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child

Note: Labor Code 230.1 requires a district with 25 or more employees to grant time off to an employee who is a victim of sexual assault or domestic violence for the following additional reasons. A district with fewer than 25 employees may use or delete items #2-5 below at its discretion.

2. Seek medical attention for injuries caused by domestic violence or sexual assault

3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault

4. Obtain psychological counseling related to an experience of domestic violence or sexual assault

5. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault

2. A court order protecting or separating the employee from the perpetrator of an act of

domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

~~***Note: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion.***~~

Any employee who is a parent/guardian, or grandparent having custody, of one or more children who are enrolled in grades K-12 or who attend a licensed day care facility may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year. The employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

~~***Note: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.***~~

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies. Simultaneous absence by the second parent/guardian may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

~~***Note: Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the above leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.***~~

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

~~***Note: The following section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.***~~

~~***Note: Education Code 44987 and 45210 provide that certificated and classified employees may take time off without loss of compensation to serve as elected officers of their local, statewide, or national employee organization. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.***~~

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

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

(cf. 4143/4243 - Negotiations)

~~***Note: AB 1203 (Ch. 804, Statutes of 2012) amended Education Code 45210 to require districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. The maximum amount of service credit an employee may earn cannot exceed 12 years. As amended, Education Code 45210 also requires that an~~

employee organization provide reasonable notification to the district when requesting a leave of absence for employees without loss of compensation.***

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

Note: The following optional section is for any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

Note: The following optional paragraph reflects the California Supreme Court's interpretation of Article 1, Section 8 of the California Constitution as stated in Rankin v. Commission on Professional Competence.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave. | ✓

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

Note: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

Note: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Note: Labor Code 230.4 requires a district with 50 or more employees to grant an employee who is a volunteer firefighter leaves of absence for up to 14 days per calendar year for activities as specified below. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Civil Air Patrol Leave

Note: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

Note: If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-

day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances
44963 Power to grant leaves of absence (certificated)
44981 Leave of absence for personal necessity (certificated)
44985 Leave of absence due to death in immediate family (certificated)
44987 Service as officer of employee organization (certificated)
44987.3 Leave of absence to serve on certain boards, commissions, etc.
45190 Leaves of absence and vacations (classified)
45194 Bereavement leave of absence (classified)
45198 Effect of provisions authorizing leaves of absence
45207 Personal necessity (classified)
45210 Service as officer of employee organization (classified)
45240-45320 Merit system, classified employees

FAMILY CODE

297-297.5 Registered domestic partner rights, protections, and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations
12945.1-12945.2 California Family Rights Act

LABOR CODE

230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies
230.3 Leave for emergency personnel
230.4 Leave for volunteer firefighters
230.8 Leave to visit child's school
233 Illness of child, parent, spouse, domestic partner or domestic partner's child
234 Absence control policy
1500-1507 Civil Air Patrol leave

MILITARY AND VETERANS CODE

395.10 Leave when spouse on leave from military deployment

PENAL CODE

667.5 Violent felony, defined
1192.7 Serious felony, defined

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VII, Civil Rights Act of 1964
COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB
Decision No. 1954

Management Resources:

WEB SITES

California Federation of Teachers: <http://www.cft.org>

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

California Teachers Association: <http://www.cta.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

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CSBA Sample

Administrative Regulation

Professional Leaves

AR 4161.3
Personnel

Note: The following optional regulation is subject to collective bargaining agreements.

The Governing Board may grant a leave of absence of up to one year to certificated employees for the purpose of permitting study or travel which will benefit the schools and students of the district. (Education Code 44966)

(cf. 4161/4261/4361 - Leaves)

To be eligible for a leave of absence for these purposes, the employee must have served in the district for at least seven consecutive years preceding the leave. No more than one such leave of absence shall be granted in each seven-year period. No other types of leaves shall be considered a break in service for purposes of meeting this requirement and the period of such absence shall not be included as service in computing the seven consecutive years of service required for a professional leave. (Education Code 44967)

Note: Education Code 44967 authorizes the Board to prescribe additional standards of service which shall entitle the employee to the leave of absence. If the Board has established additional criteria, these should be listed here.

The Board may require that such leaves of absence be taken in separate six-month periods or separate quarters as long as the total leave is completed within three years. Any period of service by the employee between the separate periods of leave shall comprise a part of the service required for a subsequent leave of absence. (Education Code 44966)

Every employee granted a leave of absence for these purposes may be required to perform such services during the leave as the Board and employee agree upon in writing. (Education Code 44968)

Compensation during the leave shall be paid in the manner authorized by Education Code 44969 and 44970.

Unless the employee agrees in writing with the Board not to receive compensation during the leave, the employee shall receive such compensation during the leave as the Board and employee agree upon in writing, which shall be not less than the difference between the employee's salary and the salary of a substitute employee. In lieu of such a difference, the Board may pay one-half of the salary of the employee or any additional amount up to and including the full salary of the employee. (Education Code 44968, 44968.5)

As a condition to being granted such leave, the employee shall agree in writing to render service in the district following his/her return for a period equal to twice the period of the leave.
(Education Code 44969)

At the end of the leave, the employee shall be reinstated in the position he/she held when the leave was granted. (Education Code 44973)

Legal Reference:

EDUCATION CODE

44966-44973 Leaves of absence for study or travel

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CSBA Sample

Administrative Regulation

Catastrophic Leave Program

AR 4161.9 4261.9,4361.9

Personnel

~~***Note: Education Code 44043.5 mandates that a Governing Board providing a catastrophic leave program adopt administrative rules and regulations which include, at a minimum, provisions setting the maximum amount of time for which donated leave credits may be used, requiring verification of the illness or injury, and making all transfers of leave credit irrevocable. These components may be specified in collective bargaining agreements. The following regulation includes the required components and may be expanded as desired.***~~

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

~~***Note: The following paragraph may be revised as desired.***~~

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

~~***Note: The following optional paragraph limits the amount of accrued sick leave that can be given away by any one employee (e.g., requiring employees to maintain one year's worth of sick leave). Before instituting such a limit, the district should consult with legal counsel.***~~

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than ~~one hour. one year's~~

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

~~***Note: The following item is optional.***~~

The Superintendent or designee shall ensure that all donations are confidential.

Note: Education Code 44043.5 requires the district to indicate the maximum amount of time for which donated leave credits may be used, not to exceed a period of 12 consecutive months. If desired, the following paragraph may be revised to indicate a time period less than 12 months.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

Note: The following paragraph is optional.

If donated credits are not used by the employee within 12 consecutive months, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

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CSBA Sample

Board Policy

Legal Status Requirement

BP 4211.2

Personnel

The Governing Board shall ensure that the district employs only those individuals who are lawfully authorized to work in the United States.

The Superintendent or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the district does not knowingly hire or continue to employ any person not authorized to work in the United States. (8 USC 1324a)

In accordance with law, the Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

Legal Reference:

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigrant-related employment practices

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-274a.14 Control of Employment of Aliens

Management Resources:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES PUBLICATIONS

Handbook for Employers: Instructions for Completing Form I-9, April 2009

WEB SITES

U.S. Citizenship and Immigration Services: <http://www.uscis.gov>

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Administrative Regulation

Legal Status Requirement

AR 4211.2
Personnel

***Note: The following administrative regulation is optional. ***

Note: The U.S. Citizenship and Immigration Services (USCIS) Form I-9 lists documents that are acceptable as evidence of identity and/or employment authorization. 73 Fed. Reg. 243 amended 8 CFR 274a.2 to prohibit employers from accepting expired documents to verify employment authorization on Form I-9. This amendment is effective April 3, 2009 and, from that time, districts must use the revised Form I-9, which will be available on the USCIS website. Pursuant to 8 CFR 274a.1, I-9 forms are not needed for persons who are independent contractors or who are employed by a contractor providing contract services.

Note: In order to ensure compliance with the Americans with Disabilities Act, employers may need to provide assistance in completing Form I-9 to individuals who need accommodation, such as those individuals who cannot read, write, or who need the form translated. Pursuant to 8 CFR 274a.2, the preparer or translator must then complete the appropriate portion of the form. In addition, preparers/translators should be careful to give only procedural assistance and offer no counsel with regard to the individual's status. See AR 4032 - Reasonable Accommodation.

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

***Note: 8 USC 1324a authorizes employers to retain an individual's Form I-9 in an electronic format in addition to the other choices of paper, microfilm, or microfiche retention. ***

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

(cf. 3580 - District Records)

Note: Pursuant to 8 CFR 274a.2, the district may, but is not required to, make a copy of any documents presented by the employee for verification when completing Form I-9. If copies of the documents are made, they must be retained with Form I-9. In addition, districts are not allowed to only copy the documents of individuals of certain national origins or citizenship statuses.

Note: The following optional paragraph is for use by districts that retain copies of the verification documents and should be modified to reflect district practice. Specific procedures apply for employers that retain these documents on microfilm; see 8 CFR 274a.2.

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.) ✓

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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CSBA Sample

Administrative Regulation

Appointment And Conditions Of Employment

AR 4212
Personnel

Upon recommendation of the Superintendent, the Governing Board shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall, at a minimum:

***Note: Education Code 45122.1 prohibits the district from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless the individual has obtained a certificate of rehabilitation and pardon. If the district receives notification from the Department of Justice that a temporary, substitute or probationary employee has been convicted of a violent or serious felony, the district must immediately terminate that employee, without regard for any other termination procedure specified in law or in the district's collective bargaining agreement. See AR 4212.5 - Criminal Record Check. ***

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)

(cf. 4212.5 - Criminal Record Check)

3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)

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

4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)

***Note: Penal Code 290.95, as amended by SB 1192 (Ch. 224, Statutes of 2001), prohibits a district from hiring a person who is required to register as a sex offender as specified below. ***

5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)

7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

8. File the oath or affirmation of allegiance required by Government Code 3100-3109

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

***Note: Item #9 below is for use by districts that require pre-employment drug and alcohol testing for employees. ***

9. Submit to drug and alcohol testing as required by Board policy (*bus drivers only*)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

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

Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor.

(Education Code 45169)

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

(cf. 4151/4251/4351 - Employee Compensation)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements
45103 Classified service in districts not incorporating the merit system
45104 Positions not requiring certification qualifications
45105 Positions under various acts not requiring certification qualifications
45108 Restricted positions
45113 Rules and regulations for classified service in districts not incorporating the merit system
45122 Physical examinations
45122.1 Classified employees, conviction of a violent or serious felony
45123 Employment after conviction of sex offense or controlled substance offense
45125 Use of personal identification cards to ascertain conviction of crime
45169 Employee salary data
49406 Examination for tuberculosis
60850-60856 High school exit exam
GOVERNMENT CODE
3100-3109 Oaths or affirmations
12940-12950 Unlawful employment practices
PENAL CODE
290 Registration of sex offenders
290.95 Disclosure by person required to register as sex offenders
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation
1203.4 Discharged petitioner, change of plea
WELFARE AND INSTITUTIONS CODE
6300-6332 Sexual psychopaths

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CSBA Sample

Administrative Regulation

Criminal Record Check

AR 4212.5

Personnel

Note: Education Code 45125 requires that all classified employees, including substitute and temporary employees, submit to a fingerprint check. Pursuant to Education Code 45122.1, the district is prohibited from hiring any individual if the check reveals that he/she has been convicted of a violent or serious felony, unless the individual has obtained a certificate of rehabilitation and pardon.

Note: The Department of Justice (DOJ) has instituted an electronic system for the submission of fingerprints (Live Scan) that replaces the process of manually recording an individual's fingerprint on cards. However, provisions of the Education Code have not yet been amended to reflect this technology and sections of the law still use the terminology "fingerprint identification cards." Where applicable, we have replaced the term "fingerprint identification card" with "fingerprint identification data" in order to include both the Live Scan and manual fingerprinting processes.

Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a district school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

Note: AB 2623 (Ch. 623, Statutes of 2000) added Penal Code 11105.75, operative July 1, 2002, which authorizes the DOJ, when the arrest record does not include fingerprints, to notify a district if it is determined that an applicant has a criminal history record.

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

***Note: Pursuant to Education Code 45125.01, a district may enter into an agreement with other school districts within the county, or within contiguous counties, to share the criminal record information of applicants or temporary/substitute employees in those multiple school districts. Either a district or the County Superintendent of Schools may be designated to act on behalf of the participating districts. The designated agency will send the fingerprint data to DOJ

for processing, receive and review the criminal history from the DOJ, and maintain common lists of persons eligible for employment. See AR 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records.***

Note: The fingerprint check conducted by the DOJ reveals only a person's convictions within the State of California. In order to obtain information about out-of-state convictions, a fingerprint check must be conducted by the Federal Bureau of Investigation (FBI). Pursuant to Education Code 45125, the district must request an FBI check of the applicant's fingerprints under the following conditions.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The Governing Board shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

(cf. 4212 - Appointment and Conditions of Employment)

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 45122.1)

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

Subsequent Arrest Notification

Note: Pursuant to Education Code 44830.1, the district is required to sign up for "subsequent arrest notification" from the DOJ. With this service, the DOJ will notify the district of the subsequent arrest of any person whose fingerprints are maintained on file at the DOJ.

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

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

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

Legal Reference:

EDUCATION CODE

44332.6 Criminal record check, county board of education
44346.1 Applicants for credential, conviction of a violent or serious felony
44830.1 Certificated employees, conviction of a violent or serious felony
44830.2 Certificated employees; Interagency agreements
45122.1 Classified employees, conviction of a violent or serious felony
45125 Use of personal identification cards to ascertain conviction of crime
45125.01 Classified employees; interagency agreements
45125.1 Fingerprint for contractors
45125.5 Automated records check
45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers
667.5 Violent felonies
1192.7 Serious felonies
11075-11081 Criminal record dissemination
11105-11105.75 Criminal identification
11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information
CODE OF REGULATIONS, TITLE 11
703 Release of criminal offender record information
708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

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

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CSBA Sample

Administrative Regulation

Preretirement Part-Time Employment

AR 4217.11
Personnel

Note: The following regulation is based on Education Code 45139, reenacted by AB 3060 (Ch. 658, Statutes of 1990). It is provided for districts that choose to offer their employees the opportunity to work part-time prior to retirement without losing retirement benefits.

District employees may reduce their workload from full-time to part-time for a period not to exceed five years.

Note: Time periods specified in the following regulations are those required by law.

Regulations allowing employees to reduce their workload include but are not limited to the following (Education Code 45139):

1. Employees must be 55 years of age before they may reduce their workload.
2. Employees must have completed at least ten years of full-time service to the district.
3. Employees must have completed five years of full-time service immediately prior to requesting a reduction in workload.
4. The five years required in #3 must have passed without a break in service.
5. The part-time employment option is available at the employee's request and may be revoked only with the mutual consent of the employee and the Governing Board.
6. Employees will be paid a pro-rata share of their full-time salary.
7. Minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the employee's contract during the final year of full-time service.
8. The employee shall receive the same health benefits as those received by full-time employees.
9. The employee shall retain all other rights and benefits as long as he/she makes the payments for them that would be required if he/she still worked full time.
10. The period of part-time employment shall not extend beyond the end of the school year during which the employee reaches his/her 70th birthday.

Legal Reference:
EDUCATION CODE
45139 Reduced workload for classified employees

12/90

CSBA Sample

Administrative Regulation

Layoff/Rehire



AR 4217.3
Personnel

Note: The following optional regulation is subject to collective bargaining and may be deleted by those districts whose agreements fully cover the provisions specified below.



Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

(cf. 4121 - Temporary/Substitute Personnel)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

Note: For any district whose average daily attendance (ADA) is under 400,000, Education Code 45308 defines "length of service" as employees' hours in paid status (Option 1 below). However, such a district may instead choose to enter into an agreement with the exclusive representative of classified employees to determine "length of service" based on an employee's date of hire (Option 2 below).

Note: For any district with an ADA of 400,000 or higher, Education Code 45308 requires length of service to be based on the date of hire; such districts should select Option 2 below.

Note: "Date of hire" is not defined in the law and could refer to the employee's first date of hire in the district or his/her date of hire in the classification or higher classification. Districts selecting Option 2 below may revise that paragraph to reflect the definition determined by the district or by agreement with the exclusive representative of classified employees, as applicable.

OPTION 1: "Length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. However, length of service shall not include hours compensated solely on an overtime basis, as provided in Education Code 45128, and shall not include hours for any service performed prior to entering into probationary or permanent status, except for service in a restricted position pursuant to Education Code 45105. The employee who has been employed the shortest time in the class, plus

higher classes, shall be laid off first. (Education Code 45308)

For an employee who is a member of the Military Reserve or the National Guard, length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war. (Education Code 45297, 45308)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

OPTION 2: Length of service shall be determined by the date of hire. The employee who has been employed the shortest time by the district shall be laid off first. (Education Code 45308)

Note: The following paragraph applies to both Options 1 and 2. Pursuant to Education Code 45105 and 45259, persons employed in "restricted positions" are classified employees. However, they do not acquire permanent status or seniority credits unless they satisfy the conditions specified below.

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine his/her length of service, provided he/she has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

(cf. 4200 - Classified Personnel)

Notice of Layoff

Note: Education Code 45117 requires that classified employees be given prior written notice when they are subject to layoff due to lack of work or lack of funds. AB 1908 (Ch. 860, Statutes of 2012) amended Education Code 45117 to extend the timeline for such notice to 60 days, as provided below.

Whenever a classified employee is to be laid off for lack of work or lack of funds, written notice shall be given to the employee, informing him/her of the layoff, the date the layoff goes into effect, any displacement rights, and reemployment rights. The notice shall be given: (Education Code 45117)

1. At least 60 days prior to the effective date of the layoff, if the layoff is for lack of work resulting from a bona fide reduction or elimination of service being performed.

2. No later than April 29, if the layoff is for lack of funds due to the expiration of a specially funded program at the end of any school year. However, if the termination date of the specially funded program is other than June 30, the employee shall be given notice at least 60 days from the effective date of the layoff.

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

The district is not required to provide the 60-day notice in the event of an actual and existing financial inability to pay the salaries of classified employees or if the layoff is due to a lack of work resulting from conditions not foreseeable or preventable by the district. (Education Code 45117)

The district also is not required to provide the 60-day notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Reemployment

~~***Note: The following optional section specifies the rights of employees who are laid off or who take voluntary demotion or reduction in assigned time in lieu of layoff. Pursuant to Education Code 45308, laid-off classified employees have reemployment rights which are enforced in order of seniority rather than reverse order of layoff. In Tucker v. Grossmont Union High School District, a California appellate court ruled that a laid-off employee's reemployment right entitled him to preference over any new applicant to available positions for which he is qualified.***~~

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

~~***Note: Pursuant to San Mateo City School District v. Public Employment Relations Board, districts may adopt procedures which implement Education Code 45113 and 45114 as long as such procedures do not replace or set aside mandatory Education Code provisions. These procedures may be adopted pursuant to Board policy and/or collective bargaining agreement.***~~

~~***Note: The following optional paragraph should be deleted by districts with a collective bargaining agreement that contains reemployment procedures, unless the district also has unrepresented classified employees.***~~

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at his/her last known telephone number to notify him/her of the vacancy and then sending written notice by certified and standard mail to his/her last known address. The employee shall advise the district of his/her decision by any means no later than 10 calendar days from the date the notice was sent. If the

employee accepts, he/she shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

Note: The following paragraph is optional and may be modified to reflect district practice.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, he/she shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

(cf. 4032 - Reasonable Accommodation)

Note: An argument can be made that, absent a collective bargaining provision to the contrary, once a district has offered a laid-off classified employee a position pursuant to the employee's reemployment rights under Education Code 45298 and that employee has refused the position, the district has discharged its duty to that employee. Whether or not such action conflicts with an employee's statutory right to reemployment is unclear.

Note: The following two optional paragraphs should be used only with the approval of the district's legal counsel; the number of refusals that will trigger the removal of the employee's name from the district's list should be modified accordingly.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and he/she will forfeit all reemployment rights to which he/she would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, his/her name shall be removed from the reemployment list and all reemployment rights to which he/she would otherwise be entitled shall be forfeited.

Note: AB 2307 (Ch. 586, Statutes of 2012) amended Education Code 45298 to provide that laid-off classified employees who are reemployed in a new position but fail to complete the probationary period for the new position shall be returned to the reemployment list for the remainder of the 39-month period, as provided below.

Note: Although Education Code 45298 applies to districts using the merit system, pursuant to Education Code 45114, other districts are also required to lay off and reemploy classified employees in accordance with Education Code 45298.

If an employee is employed in a new position and fails to complete the probationary period in the new position, he/she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

Note: The following optional section should be deleted by districts that do not reinstate laid-off employee benefits upon reemployment and those whose collective bargaining agreements address the issue.

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded to him/her at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. He/she shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Governing Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

Legal Reference:

EDUCATION CODE

45101 Definitions

45103 Classified service in districts not incorporating the merit system

45105 Positions under various acts not requiring certification qualifications; classification

- 45113 Rules and regulations for classified service in districts not incorporating the merit system
- 45114 Layoff and reemployment procedures; definitions
- 45115 Layoff: Reinstatement from service retirement
- 45117 Notice of layoff
- 45286 Limited term employees
- 45297 Right to take equivalent examination while employee in military service
- 45298 Reemployment of persons laid off; voluntary demotions or reductions in time; districts adopting merit system
- 45308 Order of layoff and reemployment; length of service
- 45309 Reinstatement of permanent noncertified employees after resignation

UNITED STATES CODE, TITLE 38

4301-4307 Veterans' Reemployment Rights

COURT DECISIONS

Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640

San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850, 866

Management Resources:

WEB SITES

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

(11/03 11/11) 11/12

CSBA Sample

Administrative Regulation

Dismissal/Suspension/Disciplinary Action

AR 4218
Personnel

Termination of Probationary Employment

Note: In accordance with Education Code 35161, the Board can delegate to the Superintendent or designee the authority to dismiss probationary classified employees as set forth below.

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

Note: Education Code 45113 mandates districts not incorporating the merit system to prescribe, by rule or regulation, causes for disciplinary action against permanent classified employees. Such employees may be disciplined only for cause as so prescribed. In merit system districts, causes for suspension or dismissal are those designated by rule of the commission and those specified in Education Code 45303. If negotiated collective bargaining agreements contain different provisions for employee discipline, those negotiated agreements would take precedence over this regulation for those employees covered by the collective bargaining agreements.

1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

- a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.
- b. Incompetency.

- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.

(cf. 4020 - Drug and Alcohol-Free Workplace)

Note: The following ~~cause~~ for disciplinary action deliberately makes no mention of drug addiction. It is not against the law to be an addict, and punishing someone for being an addict could lead to discrimination claims under the Americans with Disabilities Act.

- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- j. Absence without leave.
- k. Immoral conduct.
- l. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of district property.
- p. Violation of district, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in

connection with his/her employment.

- s. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.
- t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.
- u. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- v. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.

Except as defined in item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.

2. Initiation and Notification of Charges

Note: In districts not incorporating the merit system, Education Code 45113 mandates the Board to adopt disciplinary procedures which contain provisions for giving classified employees a written notice of specific charges, procedures, and employee rights.

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.

- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.
- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

4. Time Limit of Suspension

Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

5. Right to Appeal

***Note: In California School Employees Association v. Livingston Union School District, a district's policy, pursuant to Education Code 45113, required that the employee be provided written notice of his right to request a hearing on the charges within five days "after service of the notice." The notice was delivered via certified mail to the employee's post office box, but the employee did not actually receive the notice until several months later. The district denied the employee's late request for a hearing on the grounds that it was not received within five days from the date the notice was mailed. The court held that the district's notice was invalid because

it was not "reasonably calculated" to notify the employee of the action and to afford him an opportunity to request a hearing. Thus, when calculating the five day response timeline, districts should be careful to ensure that the notice has first been received by the employee.***

Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

7. Hearing Procedures

a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.

b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.

c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten days after the proposed decision is filed by the Board. The Board may:

- (1) Adopt the proposed decision in its entirety.
- (2) Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.
- (3) Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
- (4) Reject the proposed decision in its entirety.

d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.

e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.

8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or

by registered mail. The decision of the Board shall be final.

OPTION 1 - Nonmerit System Districts

9. Compulsory Dismissal

Note: This section applies to districts that have not adopted the merit system. Pursuant to Education Code 45123, these districts may not employ or continue to employ anyone who has been convicted of any sex offense as described below. In addition, these districts may not employ anyone who has been convicted of a controlled substance offense as described below unless the Board determines from the evidence it requires that the person has been rehabilitated for at least five years.

The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. However, the district may employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)

The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

OPTION 2 - Merit System Districts

9. Compulsory Leave of Absence

Note: Education Code 45304 requires that the Board in merit system districts immediately place on compulsory leave of absence any district or county office of education employee who is charged with a mandatory leave of absence offense as defined in Education Code 44940. Mandatory leave offenses are sex offenses and offenses involving the furnishing of certain drugs to minors. The Board may require compulsory leave for an employee charged with an optional leave of absence offense. Optional leave of absence offenses are offenses involving murder, attempted murder, and the possession or sale of certain drugs.

Employees charged with a mandatory leave of absence offense as defined in Education Code 44940 shall be placed immediately on compulsory leave of absence for not more than ten days after entry of judgment in the criminal proceedings, unless the leave is extended as provided below. (Education Code 45304)

Employees charged with an optional leave of absence offense as defined in Education

Code 44940 may be placed immediately on compulsory leave of absence under the terms and conditions stated below. (Education Code 45304)

Despite the disposition of criminal charges, the Board reserves the right to dismiss an employee for the facts upon which the criminal charges were based. An employee ultimately found guilty by the Personnel Commission to have committed the acts upon which the original charges were based may be dismissed. If so dismissed, the employee is not entitled to compensation during the time of his/her suspension, unless otherwise required by law.

An employee shall be given notice of the possibility of being dismissed without pay during the compulsory suspension if he/she is ultimately found guilty of the acts leading to the criminal charges, despite the disposition of the charges by the court.

10. Extension of Compulsory Leave

Note: Pursuant to Education Code 45304, employees placed on compulsory leave are subject to the procedures of Education Code 44940.5.

The Board may extend an employee's compulsory leave of absence by giving him/her notice, within ten days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. Employee compensation during the period of compulsory leave shall be made in accordance with law. (Education Code 44940.5)

Legal Reference:

EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

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

45123 Employment after conviction of sex or narcotics offense

45302 Demotion and removal from permanent classified service

45303 Additional cause for suspension or dismissal of employees in classified service

45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

VEHICLE CODE

1808.8 Schoolbus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101 - 12213 Americans with Disabilities Act

COURT DECISIONS

California School Employees v. Livingston Union School District, (2007) 149 Cal. App. 4th 391

CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr
830 (1975) ("Conduct unbecoming an employee" too vague)

(5/85 3/87 3/90) 6/94

CSBA Sample

Exhibit

Professional Standards

E 4219.21

Personnel

CLASSIFIED EMPLOYEES

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions; therefore, the California School Employees' Association proposes this Code of Ethics as a standard for its members.

AS A SCHOOL EMPLOYEE I WILL:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.
2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.
3. Be just in my criticism and be generous in my praise; to improve and not destroy.
4. At all times be courteous in my relations with students, parents, teachers and others.
5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions and finds better ways to do things.
6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.
7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
8. Always uphold my obligations as a citizen to my nation, my state, my school district and my community, and give them unswerving loyalty.
9. Always bear in mind that the purpose of CSEA is to promote the efficiency and raise the standards of all school employees and that I shall be equally obligated to assist all my fellow workers.

SOURCE: CALIFORNIA SCHOOL EMPLOYEES' ASSOCIATION

CSBA Sample

Board Policy

Teacher Aides/Paraprofessionals

BP 4222

Personnel

Note: The following policy and accompanying administrative regulation apply to classified employees who serve as paraprofessionals, including, but not limited to, instructional aides (Education Code 45340-45349), teacher aides (Education Code 45360-45367), teacher assistants (Education Code 45350-45354), library aides, special education aides, and speech-language aides. Volunteers also may serve as instructional and nonteaching aides; see BP/AR 1240 - Volunteer Assistance. The following optional policy may be revised to reflect district practice.

The Governing Board recognizes that ~~paraprofessionals~~ ^{instructional aides} support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

(cf. 1240 - Volunteer Assistance)
(cf. 4200 - Classified Personnel)
(cf. 6171 - Title I Programs)

Note: The No Child Left Behind Act of 2001 (20 USC 6319) requires districts receiving Title I funds to ensure that paraprofessionals working in a program supported by Title I funds (which includes entire schools with Title I schoolwide programs) meet specified educational requirements and/or successfully complete a proficiency assessment. Requirements for both Title I and non-Title I paraprofessionals are addressed in state law in Education Code 45330, 45344.5 and 45361.5. See accompanying administrative regulation.

The Superintendent or designee shall ensure that ~~paraprofessionals~~ ^{instructional aides} possess the qualifications required by law for their positions.

(in all cases)

Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.

In determining the assignment of ~~paraprofessionals~~, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The Superintendent or designee shall ensure that all ~~paraprofessionals~~ receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

- (cf. 4131 - Staff Development)
- (cf. 4212 - Appointment and Conditions of Employment)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4231 - Staff Development)

The Board encourages qualified ~~paraprofessionals~~ to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

- (cf. 4112.2 - Certification)
- (cf. 4112.21 - Interns)

Legal Reference:

EDUCATION CODE

44390-44393 California School Paraprofessional Teacher Training Program

44833 Postsecondary students as nonteaching aides

44835 Duties of nonteaching work study aides

45330 Paraprofessionals

45340-45349 Instructional aides

45350-45354 Teacher assistants

45360-45367 Teacher aides

54480-54486 Special Teacher Employment Programs

CODE OF REGULATIONS, TITLE 5

12065-12070 Teacher aides for Special Teacher Employment Programs

UNITED STATES CODE, TITLE 20

6311 State plans

6314 Schoolwide programs

6315 Targeted assistance schools

6318 Parent involvement

6319 Qualifications for teachers and paraprofessionals

CODE OF FEDERAL REGULATIONS, TITLE 34

200.58-200.59 Qualifications and duties of paraprofessionals

Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Roles for Education Paraprofessionals in Effective Schools, 1997

Title 1 Paraprofessionals, Non-Regulatory Guidance, March 1, 2004

WEB SITES

CTC Paraprofessional Teacher Training Program: <http://www.ctc.ca.gov/para>

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

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

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

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

National Resource Center for Paraprofessionals: <http://www.nrcpara.org>

National Clearinghouse for Paraeducator Resources:

<http://www.usc.edu/dept/education/CMMR/Clearinghouse.html>

(3/92 7/02) 11/03

CSBA Sample

Exhibit

Teacher Aides/Paraprofessionals

E 4222

Personnel

Note: Pursuant to 20 USC 6319, the following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide program) or 20 USC 6315 (targeted assistance school).

ATTESTATION REGARDING TITLE I ~~PARAPROFESSIONALS~~

INSTRUCTIONAL
AIDES
(in all cases)

School: _____ Principal: _____

1. I certify that every ~~paraprofessional~~ hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:

- a. Completed at least two years of study at an institution of higher education
- b. Obtained an associate's or higher degree
- c. Met a rigorous standard of quality and demonstrated, through a locally determined academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness

2. All ~~paraprofessionals~~ working in a Title I program are performing duties consistent with 20 USC 6319.

Signature: _____

Date: _____

CSBA Sample

Board Policy

Public Notice - Personnel Negotiations

BP 4243.1

Personnel

~~***Note: The following policy is optional. 8 CCR 32900 was repealed by Register 2006, No. 15, eliminating the mandate to adopt a policy on public notice.***~~

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with law.

- (cf. 1112 - Media Relations)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

Public Notice/Sunshining of Initial Proposals

~~***Note: The process of notifying the public about initial proposals prior to starting negotiations is often referred to as "sunshining."***~~

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public Board meeting and shall thereafter be public records. (Government Code 3547)

- (cf. 1340 - Access to District Records)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall

be made public within 24 hours. If a vote is taken on any such subject by the Board, each Board member's vote also shall be made public within 24 hours. (Government Code 3547)

Public Disclosure of Proposed Agreement

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

Note: Government Code 3547.5 requires the Superintendent and chief business official to certify that the costs under the agreement can be met by the district during the term of the agreement and to itemize any budget revision necessary to meet the costs of the agreement in each year of its term. If the Board does not approve the necessary budget revisions, the County Superintendent of Schools is required to issue a qualified or negative certification for the district on the next interim report. Because Government Code 3547.5 requires that the certification be prepared in a format similar to that of the fiscal reports required by Education Code 42130 and 42131, the certification by the Superintendent and chief business official may be "positive," "negative," or "qualified." See AR 3460 - Financial Reports and Accountability.

***Note: The Superintendent and chief business official's certification shall be submitted to the Board prior to the Board's approval of the agreement. It is recommended that labor negotiators be instructed to make any agreements contingent on the certification and that district legal counsel be consulted as appropriate. ***

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

(cf. 3460 - Financial Reports and Accountability)

Note: In Management Advisory 92-01, the California Department of Education (CDE) recommends that a copy of the proposed agreement be made available to the public prior to the day of the meeting. However, the district may determine the number of days that the agreement should be made available prior to the meeting, and should modify the following optional paragraph accordingly.

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

Note: In Management Advisory 92-01, the CDE recommends that the Superintendent provide a summary of the major provisions and changes in the proposed agreement, as provided in the following optional paragraph. Also see the accompanying administrative regulation.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

Legal Reference:

EDUCATION CODE

42130-42134 Financial reports and certifications

GOVERNMENT CODE

3540.2 Meeting and negotiating in public educational employment

3547 Proposals relating to representation; informing public

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

Management Resources:

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board Governance: Collective Bargaining

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

WEB SITES

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

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

School Services of California: <http://www.sscal.com>

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CSBA Sample

Administrative Regulation

Public Notice - Personnel Negotiations

AR 4243.1
Personnel

Note: 8 CCR 32900 was repealed by Register 2006, No. 15, eliminating the requirement that a copy of the Board policy implementing the public notice requirements be made available in the district office. However, all Board policies are public records and must be made available to the public upon request; see BP/AR 1340 - Access to District Records and BB 9310 - Board Policies.

Note: 8 CCR 32910, which addressed complaints to the Public Employment Relations Board alleging violations of the public notice requirements, was also repealed by Register 2006, No. 15.

Public Disclosure of Proposed Agreement

Note: Government Code 3547.5 requires that the Board, prior to entering into a written agreement, disclose the major provisions of the proposal; see the accompanying Board policy. The California Department of Education (CDE), in Management Advisory 92-01, recommends that the disclosure include, at a minimum, the following information and encourages districts to expand this information to address issues unique to their situation.

The Superintendent or designee shall prepare a summary of the proposed agreement which shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
 - a. Direct increases in salaries and percentage change in on-schedule salaries
 - b. Changes in health and welfare benefits
 - c. Changes in health and welfare benefit dollar contributions by the district
 - d. Changes in step and column or longevity provisions
 - e. Changes in overtime, differential, callback, and standby pay provisions
 - f. Changes in staffing ratios
 - g. One-time bonuses or off-the-schedule increases

2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation, and other noncompensation costs, including percentage increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the agreement and the approximate cost to the district of providing a one percent increase in total compensation
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as binding arbitration or grievance procedures

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CSBA Sample Board Policy

Leaves

BP 4261

Personnel

~~***Note: Employee leave provisions are frequently governed by a collective bargaining agreement or a memorandum of understanding between the Governing Board and employee organizations. The following optional policy should be deleted or revised for consistency with any such district agreements.***~~

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

~~***Note: Items #1-10 below reflect categories of leave which are described in more detail in the cited cross-referenced policies or administrative regulations. In addition, Education Code 44963 and 45198 allow Boards to grant leaves with or without pay to certificated and classified staff for any purpose or period of time, as long as no employee is deprived of any leave to which he/she is legally entitled. Any additional types of leaves so granted by the Board may be added to the following list.***~~

The Board recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

2. Industrial accident or illness

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)
(cf. 4261.11 - Industrial Accident/Illness Leave)

3. Family care and medical leave

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. Military service

(cf. 4161.5/4261.5/4361.5 - Military Leave)

5. Personal necessity and personal emergencies

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

~~***Note: Pursuant to Education Code 44986, the Board may grant to any certificated employee who has applied for disability benefits a leave of absence, not to exceed 30 days beyond final determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave must be extended for the term of the disability, up to 39 months.***~~

6. Disability leave for certificated employees in accordance with Education Code 44986

7. Vacations for classified staff and certificated management staff, as applicable

8. Sabbaticals for purposes of study or training related to the employee's job duties

(cf. 4161.3 - Professional Leaves)

(cf. 4261.3 - Professional Leaves)

9. Attendance at work-related meetings and staff development opportunities

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)

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

Long-Term Leaves

~~***Note: The following optional section should be revised as necessary for consistency with a collective bargaining agreement or a memorandum of understanding between the Board and employee organizations.***~~

With Board approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Note: Leave provisions for administrative and supervisory personnel who are not subject to collective bargaining agreements may be detailed in an individual contract, memorandum of understanding, or Board policy. The following optional section is for use by districts that, via policy, grant the same leave provisions to administrative and supervisory employees as are granted to other certificated or classified employees.

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

(cf. 2121 - Superintendent's Contract)
(cf. 4300 - Administrative and Supervisory Personnel)
(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave
44018 Compensation for employees on active military duty
44036-44037 Leaves of absence for judicial and official appearances
44043.5 Catastrophic leave
44800 Effect of active military service on status of employees
44842 Failure to provide notice or to report to work
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44962-44988 Leaves of absence (certificated)
45059 Employee ordered to active military/naval duty, computation of salary
45190-45210 Leaves of absence (classified)

FAMILY CODE

297-297.5 Registered domestic partner rights, protections and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

3543.2 Scope of representation

12945.1-12945.2 California Family Rights Act

20990-21013 Pension benefits, PERS members on military leave

LABOR CODE

230-230.2 Leaves for victims of domestic violence, sexual assault or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

MILITARY AND VETERANS CODE

395-395.9 Military leave

395.10 Leave when spouse on leave from military deployment

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

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CSBA Sample

Administrative Regulation

Leaves

AR 4261
Personnel

Failure to Return to Service After Leave

Note: Education Code 44842(c) addresses the return to service of a certificated employee at the beginning of the school year following a leave of absence after April 30 of the previous school year and authorizes termination of the employee if specified circumstances exist. As described in item #1 below, one of the circumstances is the employee's failure to report for duty, without good cause, after having notified the Governing Board of his/her intent to remain in service. See AR 4112.1 - Contracts for provisions of Education Code 44842 pertaining to the duty of all certificated employees to notify the district of their intention to remain in service if the district has issued a written re-employment notice requesting employees to provide such notice.

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

(cf. 4112.1 - Contracts)

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

(cf. 4117.4 - Dismissal)

Use of Leaves by Classified Employees

***Note: Education Code 45200 authorizes the Board to allow classified employees to switch

from vacation leave to another type of leave as provided below. The following optional section is for use by districts that choose to offer such an option to classified employees and may be used by districts that have adopted the merit system.***

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination.
(Education Code 45200)

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CSBA Sample

Administrative Regulation

Personal Illness/Injury Leave

AR 4261.1
Personnel

***Note: The following administrative regulation is subject to collective bargaining and may be deleted by those districts whose agreement fully covers the leave provisions specified below. ***

Purposes of Leave

A classified employee may use personal illness or injury leave granted by the district for the following purposes:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (Education Code 45199)

2. Absences due to pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Cases of personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

***Note: Optional item #4 below may be revised to specify a different minimum increment. ***

4. Medical or dental appointments, in increments of not less than one hour

5. Cases of industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 233, any employer who provides personal illness/injury leave for employees must permit employees to use such leave to attend to the illness of a child, parent, spouse, domestic partner, or domestic partner's child. Districts should consult legal counsel regarding possible interaction of personal illness/injury leave and personal necessity leave provisions.

6. Illness of the employee's child, parent, spouse, registered domestic partner, or domestic partner's child, up to the amount of leave that would be accrued during six months for personal

illness or injury (Labor Code 233)

Notification of Absence

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

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than 3 p.m. of the day preceding the day on which he/she intends to return to work.

Verification Requirements

***Note: Education Code 45191 mandates the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. The following section should be modified to reflect district practice and any procedures that have been specified in negotiated agreements. ***

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and at district expense in order to receive a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the statement concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Note: Pursuant to Education Code 45191, the district's verification regulations must not discriminate against evidence of treatment and the need for treatment by the practice of any well-recognized religious sect, denomination, or organization.

Verification requirements shall not discriminate against any employee on the basis of his/her religious practice.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Accrual of Leave

Note: Twelve days of personal illness or injury leave per year is the minimum prescribed by Education Code 45191 for classified employees in both merit and non-merit system districts. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Any classified employee employed five days a week is entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. An employee who serves less than a full fiscal year or fewer than five days a week shall be granted comparable leave in proportion to the time he/she works. (Education Code 45191)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new employee shall not be entitled to more than six days of such leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of personal illness or injury leave shall be accumulated from year to year without limitation. (Education Code 45191)

Note: The following paragraph is optional.

At the beginning of each school year, each employee shall be notified of the amount of leave which he/she has accumulated.

Upon employment with the district, a new classified employee shall receive credit for any personal illness or injury leave accumulated in a previous school district, county office of education, or community college district if he/she left employment with that district within the previous year and had been employed by the previous district for at least one year. If the employee's previous employment had been terminated for cause, the Governing Board may determine whether to accept the transfer of the accumulated leave. (Education Code 45202)

Note: The following paragraph is optional.

An employee who does not complete a given year of service shall be charged for any unearned personal illness or injury leave used as of the date of termination.

Extension of Leave

Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available personal illness or injury leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Compensation

***Note: After an employee has exhausted all fully paid leaves, Education Code 45196 authorizes districts to either pay the employee's salary, minus the actual cost of a substitute, for the remainder of a five-month absence (Option 1 below) or pay the employee 50 percent or more of his/her salary for the remaining number of days set by the district (Option 2 below). ***

OPTION 1:

Note: In 53 Ops.Cal.Atty.Gen.111 (1970), the Attorney General clarified that a classified employee is entitled to a total period of five months, commencing with the first day of illness, during which the amount deducted from his/her salary may not exceed the sum which is actually paid a substitute. This five-month period runs concurrently with any other paid leave. After the employee has exhausted all paid leaves, he/she is entitled to differential pay for the balance of the five-month period.

***Note: In California School Employees Association v. Tustin Unified School District, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence. ***

Note: Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes.

A classified employee who has exhausted all paid leave, including personal illness or injury leave shall receive his/her salary, minus the actual amount paid a substitute employed to fill the position during the employee's absence for the remaining days within a total five-month period of absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 2:

Note: The following option is authorized but not required by Education Code 45196. If desired, the district may revise the following paragraph to (1) provide more than 100 days of paid leave for personal illness or injury and/or (2) provide full compensation for classified staff for the time period mentioned or specify a percentage over 50 percent of the employee's salary which shall be compensated. Districts that choose to specify such a level of compensation are mandated to adopt a rule to this effect.

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current-year and accumulated days of leave. When the current-year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any such days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled.

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

233 Illness of child, parent, spouse or domestic partner

COURT DECISIONS

California School Employees Association v. Tustin Unified School District, (2007) 148

Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

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CSBA Sample

Administrative Regulation

Professional Leaves

AR 4261.3
Personnel

Note: In districts operating under the merit system, leaves of absence for classified staff pursuant to Education Code 45380-45387 are subject to rules established by the personnel commission. The following optional regulation is subject to collective bargaining agreements.

The Governing Board may grant a leave of absence of up to one year to unclassified employees for the purpose of permitting study or retraining the employee to meet changing conditions within the district (Education Code 45381)

(cf. 4161/4261/4361 - Leaves)
(cf. 4231 - Staff Development)

To be eligible for a leave for study purposes, the employee must have served in the district for at least seven consecutive years preceding the leave, unless the leave is for purposes of retraining, in which case the employee must have served in the district for at least three consecutive years. Sick leave shall not be deemed a break in service, except if it will not be included as service in computing service for the granting of any subsequent professional leave. (Education Code 45382)

No more than one such leave of absence shall be granted in each seven or three-year period. (Education Code 45382)

Note: Education Code 45382 authorizes the Board and/or the personnel commission in merit system districts to prescribe additional standards of service which shall entitle the employee to the leave of absence. If additional criteria have been established, these should be listed here.

The Board may require that such leaves of absence be taken in separate six-month periods or in any other appropriate periods as long as the total leave is completed within three years. Any period of service by the employee between the separate periods of leave shall comprise a part of the service required for qualifying for a subsequent leave of absence. (Education Code 45381)

Every employee granted a leave of absence for these purposes may be required to perform such services during the leave as the Board and employee may agree upon in writing. (Education Code 45383)

The employee shall receive such compensation during the leave as the Board and employee agree upon in writing, which shall be not less than the difference between the employee's salary

and the salary of a substitute employee. In lieu of such a difference, the Board may pay one-half of the salary of the employee or any additional amount up to and including the full salary of the employee. (Education Code 45383)

Compensation during the leave shall be paid in the manner authorized by Education Code 45384.

The Board may grant reimbursement of the costs, including tuition fees, to any permanent classified employee who satisfactorily completes approved training to improve his/her job knowledge, ability or skill. Programs eligible for reimbursement include, but are not limited to, courses of study at approved academic institutions, seminars and training institutes conducted by recognized professional associations, conferences, meetings and other training programs designed to upgrade the classified service and encourage the retraining of employees who may otherwise be subject to layoff as the result of technological changes. (Education Code 45387)

Legal Reference:

EDUCATION CODE

45380-45387 Leaves of absence for study or retraining, classified personnel

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CSBA Sample

Board Policy

Legal Status Requirement

BP 4311.2
Personnel

The Governing Board shall ensure that the district employs only those individuals who are lawfully authorized to work in the United States.

The Superintendent or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the district does not knowingly hire or continue to employ any person not authorized to work in the United States. (8 USC 1324a)

In accordance with law, the Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

Legal Reference:

UNITED STATES CODE, TITLE 8
1324a Unlawful employment of aliens
1324b Unfair immigrant-related employment practices
CODE OF FEDERAL REGULATIONS, TITLE 8
274a.1-274a.14 Control of Employment of Aliens

Management Resources:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES PUBLICATIONS
Handbook for Employers: Instructions for Completing Form I-9, April 2009
WEB SITES

U.S. Citizenship and Immigration Services: <http://www.uscis.gov>

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CSBA Sample

Administrative Regulation

Legal Status Requirement

AR 4311.2
Personnel

***Note: The following administrative regulation is optional. ***

Note: The U.S. Citizenship and Immigration Services (USCIS) Form I-9 lists documents that are acceptable as evidence of identity and/or employment authorization. 73 Fed. Reg. 243 amended 8 CFR 274a.2 to prohibit employers from accepting expired documents to verify employment authorization on Form I-9. This amendment is effective April 3, 2009 and, from that time, districts must use the revised Form I-9, which will be available on the USCIS website. Pursuant to 8 CFR 274a.1, I-9 forms are not needed for persons who are independent contractors or who are employed by a contractor providing contract services.

Note: In order to ensure compliance with the Americans with Disabilities Act, employers may need to provide assistance in completing Form I-9 to individuals who need accommodation, such as those individuals who cannot read, write, or who need the form translated. Pursuant to 8 CFR 274a.2, the preparer or translator must then complete the appropriate portion of the form. In addition, preparers/translators should be careful to give only procedural assistance and offer no counsel with regard to the individual's status. See AR 4032 - Reasonable Accommodation.

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

***Note: 8 USC 1324a authorizes employers to retain an individual's Form I-9 in an electronic format in addition to the other choices of paper, microfilm, or microfiche retention. ***

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

(cf. 3580 - District Records)

***Note: Pursuant to 8 CFR 274a.2, the district may, but is not required to, make a copy of any documents presented by the employee for verification when completing Form I-9. If copies of the documents are made, they must be retained with Form I-9. In addition, districts are not allowed to only copy the documents of individuals of certain national origins or citizenship statuses. ***

***Note: The following optional paragraph is for use by districts that retain copies of the verification documents and should be modified to reflect district practice. Specific procedures apply for employers that retain these documents on microfilm; see 8 CFR 274a.2. ***

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(9/92 3/00) 3/09

CSBA Sample

Board Policy

Employee Notifications

BP 4312.9

Personnel

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications he/she believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Legal Reference:

EDUCATION CODE

231.5 Sexual harassment policy

17612 Notification of pesticide use

22455.5 STRS information to potential members

22461 Postretirement compensation limitation

35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services

35171 Notice of regulations pertaining to certificated employee evaluations

37616 Notice of public hearing on year-round schedule

44031 Personnel file contents, inspection

44663-44664 Evaluation of certificated employees

44842 Reemployment notices, certificated employees

44896 Transfer of administrator or supervisor to teaching position

44916 Written statement of employment status

44929.21 Reelection or nonreelection of probationary employee after second year

44934 Notice of disciplinary action for cause

44938 Notice of unprofessional conduct and opportunity to correct

44940.5-44941 Notification of suspension and intent to dismiss

44948.3-44948.5 Dismissal of probationary employees

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified, administrative or supervisory personnel

44954 Nonreelection of temporary employees
44955 Reduction in number of employees
45113 Notification of charges, classified employees
45117 Notice of layoff, classified employees
45169 Employee salary data, classified employees
45192 Industrial and accident leave
45195 Additional leave
46162 Notice of public hearing on block schedule
49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

GOVERNMENT CODE

1126 Incompatible activities of employees
3100-3109 Oath or affirmation of allegiance
8355 Certification of drug-free workplace, including notification
12950 Sexual harassment
54957 Complaints against employees; right to open session
54963 Unauthorized disclosure of confidential information

HEALTH AND SAFETY CODE

104420 Tobacco-free schools
120875 Information on AIDS, AIDS-related conditions, and hepatitis B
120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B

LABOR CODE

2800.2 Notification of availability of continuation health coverage
3550-3553 Notifications re: workers' compensation benefits
5401 Workers' compensation; claim form and notice of potential eligibility

PENAL CODE

11165.7 Child Abuse and Neglect Reporting Act; notification requirement
11166.5 Employment; statement of knowledge of duty to report child abuse or neglect

UNEMPLOYMENT INSURANCE CODE

2613 Disability insurance; notice of rights and benefits

CODE OF REGULATIONS, TITLE 2

7288.0 Sexual harassment training, provision of district policy

CODE OF REGULATIONS, TITLE 5

4622 Uniform complaint procedures

80303 Reports of change in employment status, alleged misconduct

CODE OF REGULATIONS, TITLE 8

3204 Employees exposed to bloodborne pathogens, access to exposure and medical records

5193 California bloodborne pathogens standard

UNITED STATES CODE, TITLE 38

4344 Uniformed Services Employment and Reemployment Rights Act, notice requirement

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 29

825.300 Family and Medical Leave Act; notice requirement

CODE OF FEDERAL REGULATIONS, TITLE 34

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

(6/94 2/95) 7/12

CSBA Sample

Board Policy

Staff Evaluating Teachers



BP 4315.1
Personnel

~~***Note: The following optional policy may be revised as desired.***~~

The Governing Board expects that administrators assigned to evaluate teachers shall:

1. Possess a valid administrative credential
2. Be competent in the instructional methodologies used by the teachers they evaluate
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Be familiar with district curriculum priorities, policies and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation and staff development
5. Participate in at least one inservice per year in clinical supervision and/or other approved instructional and evaluational techniques

- (cf. 4115 - Evaluation/Supervision)
- (cf. 4131 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 5121 - Grades/Evaluation of Student Achievement)
- (cf. 5123 - Promotion/Acceleration/Retention)
- (cf. 6011 - Academic Standards)
- (cf. 6141 - Curriculum Development and Evaluation)
- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)

The Superintendent or designee shall ensure that administrators who evaluate teachers meet the above criteria and shall observe each administrator while he/she is conducting a teacher evaluation. This observation shall be a factor in the subsequent evaluation of the administrator. The Superintendent or designee also shall discuss his/her observations with the administrator and may develop and implement an appropriate professional improvement program for the administrator.

(cf. 4315 - Evaluation/Supervision)

Legal Reference:

EDUCATION CODE

33039 Guidelines for teacher evaluation

44660-44665 Evaluation and assessment of performance of certificated employees

44681-44689 Administrator training and evaluation

GOVERNMENT CODE

3543.2 Scope of representation (re evaluation procedures)

(1/85 6/91) 10/96

CSBA Sample

Administrative Regulation

Preretirement Part-Time Employment

AR 4317.11 4317.11

Personnel

***Note: Education Code 22713 and 44922 authorize the Governing Board to adopt regulations that allow certificated employees who are members of the defined benefit program of the California State Teachers' Retirement System to reduce their workload from full time to part time while continuing to receive the service credit and other benefits they would have received as full-time employees and having their retirement allowance calculated based on their final compensation as if employed on a full-time basis. For any district that chooses to allow employees to reduce their workload in this manner, Education Code 22713 and 44922 mandate that its regulation include at least the conditions specified in items #1-10 below. ***

When the Governing Board has adopted the reduced workload program, any certificated employee may reduce his/her workload from full time to part time in accordance with applicable law, district regulations, and collective bargaining agreement.

Any such certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) may continue to receive the service credits and maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis, provided the following conditions exist: (Education Code 22713, 44922)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement to reduce the workload shall be in effect at the beginning of the school year.
2. Prior to the reduction in workload, the employee shall have a minimum of 10 years of credited service, of which the immediately preceding five years shall be full-time employment.
3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences from full-time employment for personal reasons shall not constitute a break in service. However, any period of time during which an employee is retired shall constitute a break in service and the employee shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction if he/she reinstates from retirement.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

4. The employee shall have reached the age of 55 years prior to the workload reduction.
5. The employee shall not hold a position with a salary above that of a school principal.
6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment, in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment preceding the reduction in workload.
7. The employee shall be paid compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.

~~***Note: Education Code 22713 requires the employee and the district to contribute into the employee's retirement fund at the same rate that would be required if the employee were employed full time. In addition, Education Code 44922 requires the district to provide health insurance benefits to an employee who reduces his/her workload in the same manner as it provides for full-time employees. Thus, if full-time employees are required to make payments towards their health insurance, then an employee who wishes to reduce his/her workload must make the payment to receive the health insurance benefit. In Praiser v. Biggs Unified School District, the court held that a certificated employee who reduced his workload was entitled to receive the district-provided health insurance benefit for free since he would not have had to pay if he was a full-time employee. ***~~

8. For each school year that the employee's workload is reduced, the district and/or employee shall make any payment or contribution necessary for the employee's retention of a benefit to which he/she is entitled if employed full time, in the same manner as if the employee were employed full time.
9. The agreement may be revoked only by mutual consent of the employee and the district.

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program paid (picked up) by the district may not terminate the agreement to reduce his/her workload except by one of the following:

- a. Terminating his/her service
- b. Retiring from service under the defined benefit program
- c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
- d. Returning to full-time employment

~~***Note: Pursuant to Education Code 22713 and 44922, the district's regulation must specify a~~

limit, not to exceed 10 years, as to how long an employee may reduce his/her workload. The district may modify item #10 below to reflect its specific time limit. ***

10. The period of the reduced workload shall not exceed 10 years.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

***Note: The following optional paragraph allows the Board to enter into an agreement for reducing the workload of certificated employees who do not satisfy the provisions of Education Code 22713 or 44922. Districts that do not wish to allow reduction in workload other than as specified under Education Code 22713 and 44922 should delete this paragraph. ***

After determining that it is in the best interest of the district, the Board may allow any certificated employee who is not eligible to reduce his/her workload pursuant to Education Code 22713 or 44922 to reduce his/her workload from full time to part time. In any such case, the Board shall specify the terms and conditions under which the reduction in workload shall take place.

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

22903 Payment of contributions by employer for tax deferred purposes

44922 Regulations; reduction to part-time employment

44924 Regulations; prohibition against waiver of benefits

GOVERNMENT CODE

21110-21120 Reduced workload, partial service retirement under PERS

53201 Health and welfare benefits: election by officers and employees

COURT DECISIONS

Praiser v. Biggs Unified School District (2001) 87 Cal.App.4th 398

United Teachers-Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App.4th 1510

Management Resources:

WEB SITES

California Public Employees' Retirement System: <http://www.calpers.ca.gov>

California State Teachers' Retirement System: <http://www.calstrs.com>

(11/09 11/10) 11/11

CSBA Sample

Board Policy

Early Retirement Option

BP 4317.13
Personnel

When it is beneficial to the district, the Governing Board may offer certificated employees the option to retire early in accordance with law.

2 Years of Service Credit Retirement Incentive

~~***Note: Education Code 44929 allows districts to offer an additional two years of service credit as an incentive for early retirement. ***~~

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

~~***Note: Prior to adopting this incentive, Education Code 22714 requires the Board to determine that encouraging early retirement would be in the best interest of the district and result in net savings, as specified below. In addition, Education Code 22714 requires that the County Superintendent certify to the Superintendent of Public Instruction, who then must certify to STRS, that net savings can be demonstrated.***~~

Before taking formal action to approve this service incentive, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the district. The Board shall demonstrate and certify to the County Superintendent of Schools that the formal action taken would result in a net savings to the district. (Education Code 22714, 44929)

~~***Note: The following optional paragraph is consistent with the legislature's intent, as detailed in AB 1207 (Ch. 313, Statutes of 2003), that the Board consider the impact of early retirement programs on the district's ability to meet state teacher credentialing requirements and the district's ability to meet "highly qualified teacher" requirements specified in the No Child Left Behind Act (20 USC 6319). ***~~

The Board may also consider the impact of the early retirement option on the staffing needs of district schools and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.

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

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714)

Note: In addition to reimbursing related administrative costs to the STRS and the County Superintendent, the district must transmit to STRS amounts specified in Education Code 22714 and 44929.

In providing the early retirement option, the district shall meet all conditions as specified in Education Code 22714 and 44929.

2+2 Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit

***Note: The following section is for use by districts that, prior to January 1, 2005, entered into a Memorandum of Understanding (MOU) with the district's employee organization or took Board action to grant an additional two years of age credit and two years of service credit (2+2) as an early retirement incentive. According to STRS, the MOU may have established one or more "window periods" that specify the dates by which an employee must retire in order to be eligible for the incentive. These "window periods" may allow for the 2+2 incentive option to be offered to employees after January 1, 2005, but only if the MOU or official Board action to establish the "window period" occurred prior to January 1, 2005, the date at which Education Code 22714.5 was repealed by its own terms. The following section should be deleted by districts that (1) did not take action to establish a "window period" prior to January 1, 2005 or (2) when such action was taken, did not establish a "window period" to allow this retirement incentive to apply to employees retiring after January 1, 2005 and established window periods in the future. ***

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

Legal Reference:

EDUCATION CODE

22714 Service credit under STRS; additional two years

44929 Service credit under STRS; additional two years

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

COURT DECISIONS

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

Management Resources:

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM PUBLICATIONS
Retirement Incentive Program, Frequently Asked Questions
WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

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CSBA Sample

Administrative Regulation

Postretirement Employment

AR 4317.14
Personnel

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Note: The following optional administrative regulation addresses the legal requirements related to the rights and benefits provided by law to retired members of the State Teachers' Retirement System (STRS) when they are hired by the district after their retirement.

When necessary, the district may, subject to specific legal requirements, hire a qualified retired certificated individual who possesses the knowledge and experience needed to perform specialized work or service for the district, as an employee, the employee of a third party, or an independent contractor/consultant.

(cf. 3600 - Consultants)
(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4112 - Appointment and Conditions of Employment)

Note: Pursuant to Education Code 24214, retired members of STRS may be hired to perform work that would normally accrue service credit in STRS (creditable service). Such retired individuals are allowed to receive compensation for rendered services without reduction in their retirement allowance, as long as the compensation does not exceed the compensation limit computed and adjusted annually by STRS.

Any retired certificated individual who is a member of the defined benefit program of the State Teachers' Retirement System (STRS) and who is hired by the district to perform any service pursuant to Education Code 22119.5 or 26113 shall be paid at a rate commensurate with that of other district employees performing comparable duties. However, such a retired individual shall not make contributions to the retirement fund or accrue service credits based on compensation earned from that service. (Education Code 24214)

Note: Education Code 24214.5 prohibits retired STRS members from performing creditable service by returning to postretirement employment for at least six months after their retirement. A return to creditable service during the six-month period may result in a dollar for dollar loss on a retiree's retirement allowance. Pursuant to Education Code 24214.5, as amended by AB 340 (Ch. 296, Statutes of 2012), a retired individual may be exempted from this prohibition if he/she has attained the normal retirement age and certain conditions are met, including not receiving any financial inducement to retire. Such a retired individual shall nevertheless be subject to the postretirement compensation limitation specified in Education Code 24214.

No retired certificated individual who is a member of STRS shall be hired by the district for at least six calendar months after his/her retirement from service unless he/she has attained the normal retirement age. Such hiring shall only be made with Governing Board approval in a public meeting, as reflected in a resolution that shall include information about the nature of the appointment and the following findings: (Education Code 24214.5)

1. The appointment is necessary to fill a critically needed position before 180 days have passed.
2. The retired individual is eligible for this exemption because he/she did not receive additional service credit pursuant to Education Code 22714 or 22715 or a financial inducement to retire.
3. The retired individual's termination of employment with the district is not the basis for the need to acquire the services of the retired individual.

(cf. 9320 - Meetings and Notices)

Note: Special rules apply to the hiring of an individual receiving a STRS disability allowance and the district should consult STRS and legal counsel prior to employing any such disability allowance recipient.

Postretirement Compensation Limitation

Note: Education Code 22461 requires the district to notify retired individuals of the postretirement compensation limitation, but expressly immunizes the district against liability for any amount paid in excess of the limitation or for failing to inform the retired individual that continuation of service would exceed the limitation.

Whenever the district retains the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24214 or 24214.5 or any other applicable law
2. Maintain accurate records of the retired individual's compensation and report it monthly to STRS and the individual, regardless of the method of payment or the fund from which the

payments are made

When employing a retired individual who is eligible for any exemption from the postretirement compensation limitation, the Superintendent or designee shall submit to STRS all required documentation to substantiate eligibility for the exemption. (Education Code 24214, 24214.5)

Legal Reference:

EDUCATION CODE

- 22119.5 Creditable service, definition
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22715 Additional service credit
- 22716 Unpaid services
- 24116 Service at California State University
- 24214 Creditable service by retiree
- 24214.5 Postretirement compensation limit; members below normal retirement age
- 24215 Service at California State University
- 26113 Creditable service, definition
- 35046 Consultancy contracts
- 41320.1 Appointment of trustee
- 42120-42129 Budget completion
- 44830 Employment of certificated employees
- 44830.3 Employment of district interns
- 44929 Service credit under STRS; additional two years
- 44929.1 2+2 service and year credit option under STRS
- 52055.57-52055.60 Local Educational Agency Intervention program

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

CSBA Sample

Board Policy

Staff Development

BP 4331

Personnel

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

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

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

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Within budget parameters, the Superintendent or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the district.

(cf. 3350 - Travel Expenses)

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

(cf. 0500 - Accountability)

***Note: The Administrator Training Program, formerly the Principal Training Program, Education Code 44510-44517, has been amended and renamed by AB 430 (Ch. 364, Statutes of 2005). Program requirements are summarized in AR 4331. ***

Legal Reference:

EDUCATION CODE

44510-44517 Principal training program

44681-44689.2 Administrator training and evaluation

60119 Instruction Materials funds

Management Resources:

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

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

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

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

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

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CSBA Sample

Board Policy

Student Wellness

BP 5030

Students

Note: The Healthy, Hunger-Free Kids Act of 2010 (42 USC 1758b) mandates each district participating in the National School Lunch Program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966 (42 USC 1771-1791), including the School Breakfast Program, to adopt a districtwide school wellness policy. The following policy fulfills this mandate and should be revised to reflect district practice. Other policies in the district's policy manual will likely contain additional provisions supporting this wellness policy, such as BP 3312 - Contracts, BP/AR 3550 - Food Service/Child Nutrition Program, BP/AR 3552 - Summer Meal Program, BP/AR 3553 - Free and Reduced Price Meals, BP/AR 3554 - Other Food Sales, BP/AR 6142.7 - Physical Education and Activity, and BP/AR 6142.8 - Comprehensive Health Education.

Note: Although the Governing Board has discretion under 42 USC 1758b to determine specific policies appropriate for its schools, the U.S. Department of Agriculture (USDA) is required to develop regulations that provide a framework and guidelines to assist districts in establishing their student wellness policies and to provide technical assistance through the Centers for Disease Control and Prevention (CDC). Currently the USDA and CDC provide resources and implementation tools on their web sites. In addition, CSBA's Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide summarizes research on the relationship between nutrition and physical activity and student achievement, provides worksheets for policy development, and contains other resources that may be useful in the development of the wellness policy.

Note: The following paragraph links student wellness with the components of a coordinated school health approach recommended in the California Department of Education's (CDE) Health Framework for California Public Schools and may be revised to reflect district practice.

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(cf. 1020 - Youth Services)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514 - Environmental Safety)

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

School Health Council/Committee

Note: 42 USC 1758b requires that specified stakeholders be permitted to participate in the development, implementation, and periodic review and update of the district's wellness policy. One method to achieve continuing involvement of those groups and other key stakeholders could be through the creation of a school health council, as recommended in the CDE's Health Framework for California Public Schools. Pursuant to Government Code 54952, committees created by formal action of the Board are subject to open meeting laws (the Brown Act); see AR 1220 - Citizen Advisory Committees.

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b)

Note: The remainder of this section is optional and may be revised to reflect district practice.

To fulfill this requirement, the Superintendent or designee may appoint a school health council or other district committee whose membership shall include representatives of these groups. He/she also may invite participation of other groups or individuals, such as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9140 - Board Representatives)

The school health council/committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council/committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

Note: 42 USC 1758b mandates that the district's wellness policy include goals for the activities specified below.

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. (42 USC 1758b)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means. ★

(cf. 1325 - Advertising and Promotion)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

(cf. 1330.1 - Joint Use Agreements)

Professional development shall be regularly offered to health education and physical education teachers, coaches, activity supervisors, food services staff, and other staff as appropriate to enhance their health knowledge and skills.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 6020 - Parent Involvement)

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Nutritional Guidelines for Foods Available at School

Note: 42 USC 1758b mandates that the district's wellness policy include nutritional guidelines that are consistent with federal nutrition standards, as specified below. Federal nutrition standards for the National School Lunch and Breakfast Programs, as amended by 77 Fed. Reg. 17, are aligned with the Dietary Guidelines for Americans. Requirements for the National School Lunch Program (7 CFR 210.10) are effective July 1, 2012. Requirements for the School Breakfast Program (7 CFR 220.23) are applicable through the 2013-14 school year and then will be replaced by the requirements in 7 CFR 220.8. See AR 3550 - Food Service/Child Nutrition Program.

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

Note: The remainder of this section provides policy language to address this mandated topic and should be revised to reflect district practice.

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to 42 USC 1758, schools participating in the National School Lunch Program are required to make free drinking water available for consumption at locations where meals are served during meal service. In addition, Education Code 38086 requires all California schools to make free drinking water available during school meal times, unless the Board adopts a resolution demonstrating that the district is unable to comply due to fiscal constraints or health or safety concerns. See AR 3550 - Food Service/Child Nutrition Program for policy language related to these requirements. Also see CSBA's policy brief Increasing Access to Drinking Water in Schools for further information and sample strategies for providing water and encouraging consumption.

The Superintendent or designee shall provide access to free, potable water during meal times in the food service area in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

Note: Nutrition standards pertaining to food sales outside the food services program (e.g., sales through vending machines, student stores, and fundraisers) are addressed in AR 3554 - Other Food Sales. Pursuant to 42 USC 1758b, the USDA is required to establish nutrition standards for all foods sold and served in school at any time during the school day, although exemptions may be allowed for school-sponsored fundraisers if the fundraisers are approved by the school and are infrequent. Districts will be required to implement the standards beginning one school year following the approval of the federal rule.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)
(cf. 3554 - Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

Program Implementation and Evaluation

The Superintendent shall designate one or more district or school employees, as appropriate, to ensure that each school site complies with this policy. (42 USC 1758b)

(cf. 0500 - Accountability)
(cf. 3555 - Nutrition Program Compliance)

Note: 42 USC 1758b requires periodic assessment of the implementation of the wellness policy, but does not define any specific timeline. CSBA's publication Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies recommends that a report on the implementation of the wellness policy be provided to the Board at least once every two years. The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every two years.

Note: 42 USC 1758b requires that the district assessment include a comparison of the district's policy with model wellness policies. See the USDA's web site for model policies and best practices recommended by federal and state agencies and nongovernmental organizations.

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

Note: Items #1-8 below are optional and may be revised to reflect district practice. For further information about the following indicators and a list of other possible indicators, see CSBA's Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies. The guide also describes possible data sources that may be used for each indicator and includes a sample report format. Indicators selected by the district may include a mix of process measures (e.g., level of student participation, number of classes, staffing, and costs) as well as outcome measures that assess the policy's impact on students (e.g., physical fitness test results, Body Mass Index, and food choices).

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutritional standards
5. Results of the state's physical fitness test at applicable grade levels
6. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
7. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program

8. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the content and implementation of this policy and assessment results. (42 USC 1758b)

In addition, the assessment results shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Note: Education Code 49432 authorizes, but does not require, schools to post a summary of nutrition and physical activity laws and regulations. The following paragraph is optional.

Each school shall also make available to the public post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE

- 33350-33354 CDE responsibilities re: physical education
- 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act
- 49540-49546 Child care food program
- 49547-49548.3 Comprehensive nutrition services
- 49550-49561 Meals for needy students
- 49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51796.5 School instructional gardens
51880-51921 Comprehensive health education
CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 42
1751-1769 National School Lunch Program, especially:
1758b Local wellness policy
1771-1791 Child Nutrition Act, especially:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.23 National School Breakfast Program
COURT DECISIONS
Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Increasing Access to Drinking Water in Schools, Policy Brief, March 2013

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, 2005

FEDERAL REGISTER

Rules and Regulations, January 26, 2012, Vol. 77, Number 17, pages 4088-4167

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

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

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

Center for Collaborative Solutions: <http://www.ccscenter.org>

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

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

CSBA Sample

Administrative Regulation

Exemptions From Attendance

AR 5112.1
Students

Note: The following optional administrative regulation should be modified to reflect the ages of students served by the district and the position responsible for performing duties related to attendance exemptions. Pursuant to Education Code 48240-48246, the district may appoint an attendance supervisor or may, with approval of the County Board of Education, contract with the County Superintendent of Schools to supervise the attendance of district students.

Exemptions from Regular Education Program

A student may be exempted from full-time attendance in the district's regular education program if he/she:

1. Is being instructed in a private full-time school and the Superintendent or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
 2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
 3. Holds a work permit to work temporarily in the entertainment or allied industries (Education Code 48225, 48225.5)
- (cf. 5113.2 - Work Permits)
4. Holds a work permit and attends part-time classes (Education Code 48230)
 5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)

Note: Education Code 48232 requires the Governing Board to adopt policy if it wishes to grant student leaves of absence for the purposes described in item #6 below. See BP/AR 5112.3 - Student Leave of Absence for language fulfilling this mandate. Districts that do not offer such leaves of absence should delete optional item #6 below.

6. Is at least age 15 and is taking a leave of absence for up to one semester for the purpose of supervised travel, study, training, or work not available to the student under another

educational option (Education Code 48232)

(cf. 5112.3 - Student Leave of Absence)

7. Attends a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work (Education Code 48800.5)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Exemptions from Continuation Education

Note: The remainder of this regulation is for use by districts that maintain high schools and are required by Education Code 48432 to establish and maintain continuation education classes. Pursuant to Education Code 48400, all students age 16 or 17 who are not attending full-time day school are required to attend continuation school, unless they are exempt as provided below. See BP/AR 6184 - Continuation Education.

A student who would otherwise be subject to compulsory continuation education pursuant to Education Code 48400 or 48402 may be exempted if he/she: (Education Code 48410)

1. Has graduated from a public high school maintaining a four-year course above grade 8 or has had an equal amount of education in a private school or from a private tutor

In the case of a private school, the exemption shall be granted only if the Superintendent or designee has verified that the private school has filed an affidavit pursuant to Education Code 33190. (Education Code 48415)

Note: 5 CCR 11522 requires the district to provide a form to obtain parent/guardian consent before a student age 16-17 can be exempted from compulsory continuation education on the basis of demonstrated proficiency as described in item #2 below. Pursuant to Education Code 48414, a student age 16-17 who terminates his/her enrollment on this basis must be permitted to re-enroll without prejudice. See AR 6146.2 - Certificate of Proficiency/High School Equivalency.

2. Has successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and has verified approval submitted by his/her parent/guardian

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

3. Is attending a public or private full-time day school or satisfactory part-time classes maintained by other agencies

4. Is attending adult school for not less than four hours per calendar week

(cf. 6200 - Adult Education)

5. Is attending a regional occupational program or center pursuant to Education Code 48432

(cf. 6178.2 - Regional Occupational Center/Program)

Note: Education Code 48410 authorizes students to be exempted from continuation education because of their physical condition or if they provide care for their dependents, as provided in item #6 below. Pursuant to Title IX (20 USC 1681-1688), no school receiving federal assistance may deny participation in a class because of a student's pregnancy or parenthood, but such students may request an exemption from the regular program; see BP 5146 - Married/Pregnant/Parenting Students.

6. Is disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents

(cf. 5141.22 - Infectious Diseases)

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

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

7. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term pursuant to Education Code 48231

Note: Education Code 48416 requires the Board to adopt policy if it wishes to grant student leaves of absence for the purposes described in the following paragraph. See BP/AR 5112.3 - Student Leave of Absence for language fulfilling this mandate. Districts that do not offer such leaves of absence should delete the following optional paragraph.

In addition, a student who is between the ages of 16 and 18 may be exempted from continuation education if he/she is taking a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work not available to the student under another educational option. (Education Code 48416)

(6/98 3/04) 7/08

CSBA Sample

Exclusions From Attendance

AR 5112.2
Students

Students may be excluded from attendance at district schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)

(cf. 5111 - Admission)

2. Do not present evidence of immunization from certain infectious diseases as required by law. A student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs. (Health and Safety Code 120335, 120365, 120370)

(cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495, 121505)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.33 - Head Lice)

4. Are infected with any contagious or infectious disease. (Education Code 49451; 5 CCR 202)

(cf. 5141.22 - Infectious Diseases)

5. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)

6. Have not had the health screening, specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Health Screening for School Entry)

Note: AB 2855 (Ch. 895, Statutes of 2004) repealed Education Code 48211 and 48214 which authorized the exclusion of children with filthy and vicious habits and mandated the Board to adopt rules and regulations governing the periodic review of decisions regarding such exclusion.

Notifications to Parents/Guardians

Prior to excluding a student from attendance, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

Appeals from Exclusion

Note: The following section is optional and should be modified to reflect district practice.

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120325-120380 Educational and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

Management Resources:

WEB SITES

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

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

(3/93 10/95) 11/04

CSBA Sample

Board Policy

Student Leave Of Absence

BP 5112.3

Students

Note: Pursuant to Education Code 48232 and 48416, the Governing Board is mandated to adopt policy if it wishes to allow student leaves of absence for students age 15 or higher, or continuation education students ages 16-18, under the conditions described in the accompanying administrative regulation.

The Governing Board recognizes the importance of regular school attendance in promoting student achievement. However, the Board also recognizes that, in rare circumstances, it may be beneficial for a student to participate in opportunities outside the school which contribute to his/her educational experience.

The Superintendent or designee may grant student leaves of absence for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to a student 15 years of age or older in the regular program and to a student age 16-18 in the continuation education program. (Education Code 48232, 48416)

(cf. 6184 - Continuation Education)

No more than one percent of the students enrolled and attending a school shall be granted a leave of absence during any school year. (Education Code 48232, 48416)

When feasible, students shall be encouraged to instead enroll in the district's independent study program to allow for greater contact and coordination with district staff.

(cf. 6158 - Independent Study)

Legal Reference:

EDUCATION CODE

48232 Leave of absence for students age 15 at time of commencement of leave

48410 Exemption from continuation education

48416 Leave of absence for students age 16 to 18 inclusive

FAMILY CODE

7000-7002 Emancipation of minors law

7050 Purposes for which emancipated minor considered an adult

(12/88) 7/12

CSBA Sample

Administrative Regulation

Student Leave Of Absence

AR 5112.3
Students

Note: The following administrative regulation is for use by districts maintaining high schools whose Governing Board has authorized student leaves of absence pursuant to Education Code 48232 and 48416; see the accompanying Board policy.

Upon request, the Superintendent or designee may grant a student a leave of absence from school for the purpose of supervised travel, study, training, or work. To be eligible for such leave, the student shall, at the time the leave of absence is to begin, be at least 15 years of age or, if he/she is enrolled in continuation education classes or exempted from continuation education classes pursuant to Education Code 48410, be 16-18 years of age. (Education Code 48232, 48416)

A written agreement shall be entered into that is signed by the student's parent/guardian, the principal or designee of the school which the student would otherwise attend, a classroom teacher familiar with the student's academic progress, and the district's supervisor of child welfare and attendance. In the case of a continuation education student, the student also shall sign the written agreement. The agreement shall include: (Education Code 48232, 48416)

1. The purpose of the leave
2. The length of the leave
3. Provision for a meeting or contact between the student and a designated school official at least once a month while the student is on leave
4. A statement that the leave is for the purpose of supervised travel, study, training, or work not available to the student under another educational option

The length of the leave may be up to one semester, or up to two semesters for a continuation education student. The leave may be extended for an additional semester upon approval of all parties to the written agreement and the local school attendance review board. No leave of absence may be taken that would continue past the end of the school year in which the leave is taken. (Education Code 48232, 48416)

(cf. 5113.1 - Chronic Absence and Truancy)

The student shall be permitted to return to school at any time and shall not be prevented from completing his/her academic requirements within a time period equal to that of his/her classmates who did not take leave, plus a period of time equal to the leave of absence. If the

student reenrolls at a time other than the beginning of a semester, the school shall not be required to provide make-up sessions for classes missed. (Education Code 48232, 48416)

If the student does not contact the designated school official as required by the written agreement, the leave shall be nullified. The agreement also may be nullified for cause at any time by any party to the agreement. (Education Code 48232, 48416)

(12/88) 7/12

CSBA Sample

Board Policy

Open/Closed Campus

BP 5112.5

Students

OPTION 1: Open Campus

Note: Education Code 44808.5 grants the Board the authority to allow high school students to leave the school campus during lunch. The district, its employees and officers are not liable for the safety and conduct of students who leave under this policy. The open campus option does not apply to K-8 school districts.

In order to give students an opportunity to demonstrate responsibility and positive citizenship, the Governing Board establishes an open campus at all district high schools in which students shall have the privilege of leaving campus during lunch.

The privilege of open campus may be revoked from individual students for disciplinary reasons.

(cf. 5144 - Discipline)

Students shall not leave the school grounds at any other time during the school day without written permission of their parents/guardians and school authorities. Students who leave school or who fail to return following lunch without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

OPTION 2: Closed Campus

Note: The following language is for districts wishing to establish a closed campus.

In order to keep students in a supervised, safe and orderly environment, the Governing Board establishes a closed campus at all district schools.

Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

(cf. 5144 - Discipline)

OPTION 3: Senior Open Campus

Note: The following optional paragraph is for districts that choose to establish a closed campus, but issues lunch passes to seniors who meet certain eligibility criteria.

The Governing Board establishes a closed campus at all district schools, however seniors who meet eligibility requirements may use lunch passes to leave campus during the lunch hour. The Board views this program as a way to improve and reward student academic achievement and attendance. Eligibility requirements are based upon academic performance and attendance standards. The open campus privilege may be revoked for seniors who do not meet the eligibility standards.

Students shall not leave the school grounds at any other time during the school day without written permission of their parents/guardians and school authorities. Students who leave school or who fail to return following lunch without authorization shall be classified truant and subject to disciplinary action.

Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

(5/85 12/87) 6/97

CSBA Sample

Administrative Regulation

Open/Closed Campus

n/a

AR 5112.5
Students

***Note: The following regulation is for districts which have selected the open campus option and may also be used by districts which have selected the senior open campus option. Districts choosing the senior open campus option may add eligibility criteria below. ***

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians about the open campus policy as required by law. (Education Code 44808.5)

(cf. 5145.6 - Parental Notifications)

The district, Governing Board members and district employees shall not be liable for the conduct and safety of students who leave school grounds during the lunch period. (Education Code 44808.5)

The principal of each high school shall be responsible for the annual preparation, implementation and evaluation of the school's open campus program.

The principal may revoke the open campus privilege to any or all students at any time. The principal shall submit a report to the Superintendent or designee indicating the nature and scope of the problem and a procedure for reviewing and resolving the problem.

The Superintendent shall notify the Board of any campus closure.

CSBA Sample

Administrative Regulation

Intradistrict Open Enrollment

AR 5116.1
Students

***Note: The following administrative regulation addresses intradistrict transfers for victims of a violent criminal offense and students in a "persistently dangerous" school pursuant to 20 USC 7912 and other intradistrict open enrollment options authorized by Education Code 35160.5. For transfers required by 20 USC 6316 as a result of a school being identified for program improvement, see BP/AR 0520.2 - Title I Program Improvement Schools. For interdistrict transfers under the Open Enrollment Act pursuant to Education Code 48350-48361, see BP/AR 5118 - Open Enrollment Act Transfers. ***

Transfers for Victims of a Violent Criminal Offense

***Note: 20 USC 7912 requires the state to establish and implement a policy requiring that any student who becomes a victim of a violent criminal offense while on school grounds be provided an option to transfer to another district school, including a charter school; see the accompanying Board policy. 20 USC 7912 does not specify which offenses constitute a "violent criminal offense" for purposes of the victim transfer option. According to the California Department of Education (CDE), districts should consider the specific circumstances of the incident on a case-by-case basis, as specified below. The following two paragraphs are consistent with the CDE's guidance. ***

***Note: U.S. Department of Education (USDOE) Guidance, Unsafe School Choice Option, suggests that districts should notify parents/guardians of the transfer option "generally within 14 days" after the determination that the student has been a victim of a violent offense. In making this offer, the Guidance encourages districts to take into account the needs and preferences of the affected student and parents/guardians. A sample parent/guardian notification letter is available on the CDE's web site. ***

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student

and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

***Note: 20 USC 7912 requires the state to establish and implement a policy requiring that all students attending a "persistently dangerous" school be provided an option to transfer to a safe school within the district, including a charter school; see the accompanying Board policy. Pursuant to 5 CCR 11992 and 11993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years. ***

***Note: The USDOE Guidance provides that a district with one or more schools identified as "persistently dangerous" must, in a timely manner, notify parents/guardians about the school's designation and offer the opportunity to transfer. The CDE suggests that transfers of students out of a "persistently dangerous" school generally be completed within 30 school days of notification of the school's designation. According to the CDE, "timely notification" to parents/guardians should be made within 10 school days and a timely offer of transfer within 20 school days from the time the district learns of the designation, although these two notifications may be combined. Timelines in the following two optional paragraphs may be revised to reflect district practice. ***

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

***Note: The USDOE Guidance advises that the district can determine whether transfers will be temporary or permanent, but transfers must remain in effect as long as the student's original school is identified as persistently dangerous. The following optional paragraph reflects USDOE suggestions as to factors that might be considered in determining whether the transfer should be permanent and may be revised to reflect district practice. ***

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

***Note: The USDOE Guidance encourages, but does not require, districts to develop a transfer program with a neighboring district. The following paragraph is optional. ***

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

Other Intradistrict Open Enrollment

***Note: The following section provides optional procedures for intradistrict enrollment pursuant to Education Code 35160.5 and may be revised to reflect district practice. ***

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.

***Note: Because Education Code 35160.5 requires the use of a lottery process, openings which occur later during the year should be filled only by applicants whose names are drawn in the lottery. Late applicants should not be added to the waiting list, but should instead wait for a subsequent lottery. ***

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.

3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

4. Approved applicants must confirm their enrollment within 10 school days.

***Note: Education Code 35160.5 makes no provision related to the duration of the transfer; thus, it appears to be within the district's discretion to determine whether students who do not reside within a school's attendance area should be required to reapply for open enrollment each year. However, Education Code 35160.5 specifies that a student currently residing within a school's attendance area cannot be displaced by another student transferring from outside the attendance area. The following paragraph is optional. ***

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

(3/03 11/08) 3/11

CSBA Sample

Board Policy

Students Expelled From Other Districts

BP 5119

Students

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

The Governing Board may grant admission to students expelled from other districts in accordance with law and when consistent with the Board's goal to provide a safe and secure environment for students and staff.

(cf. 0450 - Comprehensive Safety Plan)

If a student expelled from another district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this district or enroll pursuant to an interdistrict attendance agreement. (Education Code 48915.1, 48915.2)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance Agreements)

Enrollment During the Term of the Expulsion

The district shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, ~~unless the enrollment is at a community day school.~~ (Education Code 48915.2)

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code 48915(a) or (c), the Board shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.1)

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

Note: Pursuant to Education Code 48915.1, when requesting enrollment, the parent/guardian of a student expelled for an act other than those specified in Education Code 48915(a) or (c) must inform the receiving district of the student's status with the previous district. If the parent/guardian neglects to inform the district of this status, the Board shall discuss and record this lack of compliance at the hearing. Education Code 48915.1 authorizes a district to contact another district regarding the expulsion or recommendation for expulsion of a student applying for admission.

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

If the Board finds that a student expelled for acts other than those specified in Education Code 48915(a) or (c) does not pose a continuing danger to students or staff, the student may be admitted or conditionally admitted during the term of expulsion. If the Board determines that the student does pose a continuing danger to students or staff, the student shall not be admitted. (Education Code 48915.1)

(cf. 5145.6 - Parental Notifications)

Enrollment After the Term of the Expulsion

A student expelled for an act specified in Education Code 48915(a) or (c) may enroll in the district after the term of his/her expulsion if the Board finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.2)

A student expelled for any act other than those specified in Education Code 48915(a) or (c) may request enrollment after the term of his/her expulsion in accordance with the district's procedures for establishing residency or interdistrict transfer.

Legal Reference:

EDUCATION CODE

- 46600 Agreements for interdistrict attendance
- 46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal
- 48200 Compulsory attendance
- 48645.1 Juvenile court school
- 48660-48666 Community day schools
- 48915 Expulsion; particular circumstances
- 48915.1 Expelled individuals: enrollment in another district
- 48915.2 Expelled student; enrollment during and after period of expulsion
- 48918 Rules governing expulsion procedures

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>
- California Attorney General's Office: <http://www.caag.state.ca.us>
- California Department of Education: <http://www.cde.ca.gov>
- U.S. Department of Education, Office of Safe and Drug-Free Schools:

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

(2/94 6/96) 3/07

CSBA Sample

Administrative Regulation

Promotion/Acceleration/Retention

AR 5123
Students

Acceleration from Kindergarten to First Grade

***Note: Pursuant to Education Code 48011, if a student enrolled in kindergarten demonstrates the ability to handle first grade, he/she may be admitted to the first grade at the discretion of the administration of the school district and with the consent of the parents/guardians. If this is done, 5 CCR 200 mandates the Board to adopt regulations ensuring that the student also meets the minimum criteria outlined below. The district may specify additional criteria if desired. ***

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. (Education Code 48011)

Admission shall be subject to the following minimum criteria: (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 school 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 ADA computation only if the district has on file for the student an agreement signed by the parent/guardian stating that the student shall continue in kindergarten for not more than one additional school year. CDE Management Advisory 90-10 clarifies that 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. ***

Students who have 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 for not more than one additional school year. (Education Code 48011)

Whenever a student continues 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)

Retention at Other Grade Levels

***Note: The following mandated section reflects the requirements of Education Code 48070.5, which pertains to promotion and retention at the grade levels listed below. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly. ***

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained 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). ***

4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

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)

Students shall be identified on the basis of either statewide assessment results or grades and other indicators of academic achievement, as established by Board policy.

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

If a student is identified as performing below the minimum standard for promotion, 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)

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. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

***Note: Pursuant to Education Code 48070.5, the district's policy or regulation should specify the teacher or teachers 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. ***

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

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 sentence 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.

***Note: Pursuant to Education Code 48070.5, the district's policy must include a process for appealing the teacher's decision to promote or retain a student. The appealing party has the burden to prove why the teacher's decision should be overruled. ***

The teacher's decision to promote or retain a student may be appealed consistent with Governing Board policy, administrative regulation and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)

***Note: The following paragraphs provide a sample appeal process and may be revised as desired, as long as an appeal process is specified. Districts may wish to specify who has the right to appeal a teacher's decision (e.g., parents/guardians, students age 18 or older, curriculum directors). ***

To appeal a teacher's decision, the appealing party 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 appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the 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 appealing party, the teacher and the Superintendent/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 decision of the Board is unfavorable to the appealing party, 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)

CSBA Sample

Administrative Regulation

Student Records

AR 5125
Students

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Note: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district, such as health and medical records maintained by a school nurse who is employed by or under contract with a district, is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA). Also see BP/AR 5141.6 - School Health Services.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

***Note: USDOE guidance (Balancing Student Privacy and School Safety) clarifies that records created by the district's law enforcement unit, as specified in item #3 below, are not considered student records under FERPA as long as the records are created for a law

enforcement purpose. Thus, according to the guidance, student images appearing on security videotapes maintained by the district's law enforcement unit are not subject to FERPA.***

3. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name

2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Note: Education Code 49063 requires districts to list in their annual notification regarding student records the criteria for defining "school officials and employees" and "legitimate educational interest"; see section below entitled "Notification of Parents/Guardians."

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Note: Pursuant to Education Code 49076, as amended by AB 733 (Ch. 388, Statutes of 2012), the district may allow any "contractor or consultant" with whom it has a formal written agreement to access information in student records without parent/guardian consent, when the contractor or consultant has a "legitimate educational interest" in that information. However, contrary to 34 CFR 99.31, Education Code 49076, as amended by AB 733, prohibits release of student records to volunteers.

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district.

Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Access

The following persons shall have absolute access to any and all student records in accordance with law:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student age 18 years or older, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

Note: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with disabilities, including the right to access student records, are transferred to the student when he/she reaches age 18 years except when the student has been declared incompetent under state law.

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

Note: Education Code 49076 and 34 CFR 99.31 require that parents/guardians of a dependent child, as defined in 26 USC 152, be provided access to student records that are relevant to their legitimate educational interest. 26 USC 152 defines a "dependent child" as one who lives with his/her parent/guardian for more than half the taxable year, has not provided more than half of his/her own support during that year, and has not filed a joint tax return with a spouse.

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

Note: Pursuant to Education Code 49076, as amended by AB 733 (Ch. 388, Statutes of 2012), access to student records based on the "legitimate educational interest" of a school attendance review board is limited to only those members who have been designated as authorized representatives of the district.

4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Note: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parental notification that the district may forward education records under these circumstances, it is not obligated to individually notify parents/guardians or adult students. The following optional paragraph may be deleted by districts that include such a statement in their annual parental notifications. See section below entitled "Notification of Parents/Guardians."

When the district discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Note: 34 CFR 99.3, 99.31, and 99.35 clarify the limited circumstances under which the district may disclose student records to federal, state, or local officials to assess the effectiveness of state and federally funded education programs. Pursuant to 34 CFR 99.35, the district must have a written agreement with the entity or individual which contains specified components and must use reasonable methods to ensure that the entity or individual complies with FERPA.

6. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

Note: Pursuant to Education Code 49076, as amended by AB 733 (Ch. 388, Statutes of 2012), county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Education Code 49076 also authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.

7. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #6 above (Education Code 49076)

Note: Pursuant to 5 CCR 435, prior to releasing records in compliance with a court order or subpoena, the district is generally required to give the parent/guardian three days' notice as specified in item #8 below. However, 34 CFR 99.31 specifies that the notice is not required when the disclosure is in response to a court order issued under the USA Patriot Act regarding investigations of domestic or international terrorism.

8. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

9. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

10. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

11. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

12. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

11 13. Any foster family agency with jurisdiction over currently enrolled or former students for purposes of accessing those students' records of grades and transcripts and any individualized education program developed and maintained by the district (Education Code 49069.3)

(cf. 6173.1 - Education for Foster Youth)

12 14. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #11 above. (Education Code 49076)

Note: As amended by AB 733 (Ch. 388, Statutes of 2012), Education Code 49076.5 authorizes the use of item #15 below only in specified circumstances and requires that, prior to its use, the district receive from the designated peace officer or law enforcement agency a parent/guardian's written consent, a lawfully issued subpoena or court order, or information indicating the existence of an emergency situation.

13 15. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

Note: As amended by AB 733 (Ch. 388, Statutes of 2012), Education Code 49076 has conformed state law to 34 CFR 99.36, which authorizes a district to disclose personally identifiable information in connection with an emergency to any person whose knowledge of the information is necessary to protect the health or safety of students or others. Pursuant to Education Code 49076, when releasing any information based on this authorization, the district is required to document the information received indicating the emergency and those to whom it discloses information from the student record, in accordance with the requirements of 34 CFR 99.32(a)(5).

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31,

99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, in which case the Superintendent or designee shall notify the student's parent/guardian of his/her rights in accordance with law prior to releasing the information (Health and Safety Code 120440)

Note: Education Code 49076, as amended by AB 733 (Ch. 388, Statutes of 2012), has included "contractors" and "consultants," as defined above in the section entitled "Definitions," among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR 99.34, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

Note: Items #7 and 8 below are for use by districts that maintain high schools.

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

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

Persons, agencies, or organizations not afforded access rights by law may be granted access only through written consent of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

Note: 20 USC 1232(g) and Education Code 49076 authorize the district to release student records for specified purposes (e.g., to federal and state officials conducting program audits or to organizations conducting studies) without parent/guardian consent after the removal of all "personally identifiable information" as defined in the section entitled "Definitions" above and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or research organizations when such actions would be "in the best educational interests of students."

***Note: 34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual,

redacted records and requests for statistical information from multiple records.***

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

Process for Providing Access to Records

Note: Education Code 49069 mandates procedures for notifying parents/guardians of the location of all official student records if not centrally located. The following paragraph may be expanded to include specific notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

Note: 5 CCR 431 mandates districts to establish written procedures to ensure the security of student records. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district.

Note: 34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district which does not use physical or technological access controls (e.g., a locked file cabinet or computer security limiting access) must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

Note: The Analysis to Comments and Changes (73 Fed. Reg. 237, page 74817) suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

Note: In addition, as a condition of participation in an interagency data information system (e.g., California Longitudinal Pupil Achievement Data System), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When prior written consent is required by law, the parent/guardian shall provide a written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Note: Education Code 49069 and 5 CCR 431 mandate that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Note: Education Code 49069 mandates procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational

interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

Note: Although Education Code 49064 does not require the district to record access by individuals specified in items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see section above entitled "Process for Providing Access to Records." The following paragraph is optional.

The log does not need to include record of access by: (Education Code 49064)

- Keep
1. Parents/guardians or adult students
 2. Students who are 16 years of age or older or who have completed the 10th grade
 3. Parties obtaining district-approved directory information
 4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
 - 2 5. School officials and employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, ~~adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade,~~ custodian of records, and certain state or federal officials. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

Note: Education Code 49069 mandates that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(cf. 3260 - Fees and Charges)

Changes to Student Records

Only ~~or~~ a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

Retention and Destruction of Student Records

Note: 5 CCR 431 mandates that the district establish written policies and procedures regarding the signing and dating of anecdotal information, as specified below.

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

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

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of

missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

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

(cf. 5119 - Students Expelled From Other Districts)

Note: Pursuant to Education Code 49068, as amended by AB 1799 (Ch. 369, Statutes of 2012), a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this would not affect a situation where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record

3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

Note: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in optional item #13 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution (see item #5 in the list of persons/agencies with legitimate educational interests in the section entitled "Persons Granted Access" above).

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

CSBA Sample

Board Policy

Release Of Directory Information

BP 5125.1

Students

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

(cf. 1112 - Media Relations)

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Note: The options below are for use only by districts maintaining grades 9-12.

***Note: 20 USC 7908 of the No Child Left Behind Act requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with access to student names, addresses and telephone numbers, except when the parent/guardian requests that the information not be released. See the accompanying administrative regulation. According to Guidance issued by the U.S. Department of Education and Department of Defense, even if a district does not disclose directory information to any third party, such as employers or colleges, 20 USC 7908 provides that military recruiters must still be provided access to student names, addresses, and telephone numbers, except when the parent/guardian requests that the information not be released. Districts that do not grant access may lose their ESEA funds. ***

***Note: 10 USC 503 requires districts that do not receive ESEA funds to grant the same access to directory information to military recruiters and employers. Pursuant to 10 USC 503, districts may refuse military access only if the Governing Board has adopted a policy denying access by 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 of 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; see BP 6164.2 - Guidance/Counseling Services. It is likely that this law also applies to directory information. ***

***Note: Option 1 is for use by districts that receive ESEA funds and grant access to directory

information to employers, colleges, and military recruiters. Option 1 is also for use by districts that do not receive ESEA funds but choose to grant such access to employers and colleges 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. In order to deny access to military recruiters, Education Code 49603 requires that these districts must also deny access to all other employers.***

OPTION 1: Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to directory information. (10 USC 503; Education Code 49603)

(cf. 6164.2 - Guidance/Counseling Services)

Note: Districts should carefully consider whether to place items containing student directory information, such as home addresses or telephone numbers, on the district's web site since release of such information may put students at risk and may also be a violation of Education Code 49073 as specified below.

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

(cf. 1113 - District and School Web Sites)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

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:

WEB SITES

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Access to High School Students and Information on Students by Military Recruiters, 2002

(11/01 7/02) 7/05

CSBA Sample

Administrative Regulation

Withholding Grades, Diploma or Transcripts

AR 5125.2
Students

Note: Education Code 48904 mandates the Board to establish regulations governing its procedures for seeking reparation when school property is willfully damaged or not returned, and for withholding a student's grades, diploma or transcripts until reparation is made. In such cases, the district must afford the student his/her due process rights, and the district's procedures must parallel Education Code procedures for student expulsion. (Education Code 48904) The district may not withhold records for nonpayment of meal tickets or library overdue fines.

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

(cf. 5131.5 - Vandalism and Graffiti)
(cf. 6161.2 - Damaged or Lost Instructional Materials)

If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts.

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

If the student and parent/guardian are unable to pay for the damages or return the property, the principal or designee shall provide a program of voluntary work for the student to do. When this voluntary work is completed, the student's grades, diploma or transcripts shall be released. (Education Code 48904)

Note: A district cannot refuse to transfer student records to another district. Upon receiving notice that the district is withholding a student's grades, diploma or transcripts, however, any district to which the student transfers must also withhold them until it receives notice that the first district's decision has been rescinded.

When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared.

The Superintendent or designee shall notify the parent/guardian in writing that this district's decision to withhold grades, diploma or transcript will be enforced by the new district.
(Education Code 48904.3)

The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents.
(Education Code 48904.3)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49069 Absolute right to access

12/91

CSBA Sample

Administrative Regulation

Challenging Student Records

AR 5125.3
Students

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted
5. Misleading
6. In violation of the privacy or other rights of the student

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5125 - Student Records)

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed)

who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act of 1974

(12/91 2/95) 2/96

Bullying

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

Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics; see BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Note: Pursuant to Education Code 32261 and 48900.2-48900.4, the definition of "bullying" for purposes of establishing grounds for suspension or expulsion includes bullying via an electronic act such as posting of messages on social media networks; see AR 5144.1 - Suspension and Expulsion/Due Process.

Note: In addition, Penal Code 653.2 makes it a crime for a person to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). Penal Code 288.2 makes it a crime to send a message to a minor if the message contains matter that is sexual in nature with the intent of seducing the minor (i.e., sexting).

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

(cf. 5145.2 - Freedom of Speech/Expression)

***Note: Education Code 32282 encourages districts to include policies and procedures aimed

at preventing bullying in their comprehensive safety plans; see BP 0450 - Comprehensive Safety Plan.***

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

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - Positive School Climate)
(cf. 6164.2 - Guidance/Counseling Services)

Note: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education.

Note: 47 USC 254 requires districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking web sites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate.

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

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6163.4 - Student Use of Technology)

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

warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires the district to adopt a process requiring school personnel who witness acts of discrimination, harassment, intimidation, or bullying to take immediate steps to intervene when it is safe to do so; also see BP 5145.3 - Nondiscrimination/Harassment.

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

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

Complaints and Investigation

Note: Pursuant to Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), districts are required to adopt a process for receiving and investigating student complaints involving discrimination, harassment, intimidation, and bullying based on race or ethnicity, nationality, gender, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. To ensure compliance with this requirement, the California Department of Education has determined that the uniform complaint procedures must be used for this purpose. Though some bullying incidents may not fall within the provisions of Education Code 234.1, CSBA strongly recommends that districts use their uniform complaint procedures when investigating all bullying incidents to ensure consistent implementation by district staff. The following optional paragraph provides that all complaints regarding bullying will be investigated using the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts that choose to use another complaint procedure for bullying incidents that are not covered within Education Code 234.1 should modify the following paragraph accordingly.

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/AR 6163.4 - Student Use of Technology.

Note: As noted in the section "Discipline" below, the courts have generally upheld a district's authority to discipline a student for off-campus conduct when the conduct causes, or is foreseeably likely to cause, a substantial disruption of school activities. Thus, in complaints regarding off-campus conduct, districts should document, with specific examples, how the conduct or speech significantly disrupted or was likely to significantly disrupt school activities and the targeted student's educational performance.

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

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

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

Discipline

Note: Pursuant to Education Code 32261 and 48900.2-48900.4, "bullying" is a ground for suspension or expulsion in grades 4-12; see AR 5144.1 - Suspension and Expulsion/Due Process.

***Note: As noted in the section "Complaints and Investigation" above, the courts have generally upheld discipline for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities (e.g., *Lavine v. Blaine School District*). In

addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior. For example, the court in *J.C. v. Beverly Hills Unified School District* found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students). When the conduct does not rise to the level of "substantial disruption," the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief *Cyberbullying: Policy Considerations for Boards*. Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression.***

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

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(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)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

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

CSBA Sample

Board Policy

Academic Honesty

BP 5131.9

Students

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

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

(cf. 5131 - Conduct)

(cf. 6162.6 - Use of Copyrighted Materials)

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

(cf. 1220 - Citizen Advisory Committee)

Legal Reference:

EDUCATION CODE

35291-35291.5 Rules

(6/87 9/87) 7/00

CSBA Sample

Board Policy

Conflict Resolution/Peer Mediation

BP 5138

Students

Note: Research has indicated that school-based conflict resolution/peer mediation (CR/PM) programs effectively reduce violence and promote safe learning environments at school sites. School districts that have integrated CR/PM programs into existing disciplinary procedures have reported reductions in suspensions, expulsions and student-to-student conflict. In addition, CR/PM programs can help to promote personal responsibility and citizenship among students.

***Note: The following optional policy may be used by districts wishing to encourage the development of CR/PM programs at the school site. ***

To promote student safety and contribute to the maintenance of a positive school climate, the Governing Board encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other district discipline procedures as appropriate. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

(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)

Schoolwide programs may include curriculum in conflict resolution, including, but not limited to, instruction in effective communication and listening, critical thinking, problem-solving processes and the use of negotiation to find mutually acceptable solutions. In addition, the curriculum may address students' ethical and social development, respect for diversity, and interpersonal and behavioral skills.

(cf. 6141 - Curriculum Development and Evaluation)

Conflict resolution programs may incorporate peer mediation strategies in which selected students are specially trained to work with their peers in resolving conflicts.

Note: It is important that students voluntarily enter the mediation process in order to secure acceptance of the program. Confidentiality by all involved parties, including the program coordinator, is essential in maintaining the integrity of the peer mediation program.

Students' participation in any peer mediation program shall be voluntary and kept confidential by all parties involved.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

In developing a conflict resolution and/or peer mediation program, school-site teams shall address, as appropriate:

1. The grade levels and courses in which the conflict resolution curriculum shall be delivered

(cf. 6143 - Courses of Study)

2. Staff development related to the implementation of the curriculum and modeling of appropriate behaviors and communication skills

(cf. 4131 - Staff Development)

3. The selection of peer mediators involving, to the extent possible, a cross-section of students in terms of grade, gender, race, ethnicity, and socioeconomic status, and including some students who exhibit negative leadership among peers

4. Training and support for peer mediators, including training in mediation processes and in the skills related to understanding conflict, communicating effectively and listening

5. The process for identifying and referring students to the peer mediation program

6. The types of conflicts suitable for peer mediation

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Student Disturbances)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5145.7 - Sexual Harassment)

7. Scheduling and location of peer mediation sessions

8. Methods of obtaining and recording agreement from all disputants
9. The appropriate involvement of parents/guardians, the community and staff, including counseling/guidance and security staff

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515.3 - District Police/Security Department)
(cf. 6020 - Parent Involvement)
(cf. 6164.2 - Guidance/Counseling Services)
10. Communications to students, parents/guardians and staff regarding the availability of the program
11. Methods of following up with students to determine the effectiveness of the process
12. Development of assessment tools to periodically evaluate the success of the program including, but not limited to, measurements of whether there has been a reduction in violence at the school and whether the school's suspension rates have fallen since the program has been introduced

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

32295.5 Teen court programs

35291-35291.5 Rules

44807 Duty concerning conduct of students

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to safe schools

Management Resources:

CSBA PUBLICATIONS

Protecting Our Children: Governing Board Strategies to Combat School Violence, revised 1999

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

USDE PUBLICATONS

Creating Safe and Drug-Free Schools: An Action Guide, 1996

WEB SITES

U.S. Department of Education, Safe and Drug-Free Schools Program:

<http://www.ed.gov/offices/OESE/SDFS/>

California Department of Education, Safe Schools and Violence Prevention Office:

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

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, 49423, and 49423.1, Education Code 49414.7, as added by SB 161 (Ch. 560, Statutes of 2011), and the permissive guidelines established in 5 CCR 600-611. Pursuant to Education Code 49423, a student may be assisted by a school nurse or other designated school personnel to take, during the school day, medication prescribed or ordered for him/her by a physician or physician assistant as defined in Business and Professions Code 3501. ***

***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. 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), necessary medication must be administered in accordance with the student's individualized education program (IEP) 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: In August 2007, the California Department of Education (CDE) issued a nonbinding legal advisory as required by the settlement agreement of a lawsuit concerning rights of students with diabetes to receive insulin. According to the CDE's legal advisory, when a district does not have licensed individuals available (e.g., school nurses and contracted registered nurses), it may authorize trained, unlicensed school employees to administer medications, including insulin injections, to students. This section of the advisory, as it affects the administration of insulin injections to students with diabetes, has been the subject of ongoing litigation. The decision of the California Court of Appeal in American Nurses Association v. O'Connell which invalidated that section of the legal advisory has been further appealed to the California Supreme Court. Thus, the Court of Appeal's decision is stayed (i.e., not in effect) pending the decision by the California Supreme Court, which will likely be issued in the spring or summer of 2012. In view of the ongoing litigation over this issue, it is strongly recommended that districts that wish to authorize the use of trained, unlicensed school employees to administer insulin should consult with legal counsel prior to doing so. ***

The Governing Board recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. The Superintendent or designee shall develop processes for the administration of medication to these students. For any student with a disability, as

defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

(cf. 6159 - Individualized Education Program)

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

***Note: 5 CCR 604 authorizes a parent/guardian to designate an individual to administer the medication, as specified below. See the accompanying administrative regulation. The CDE's legal advisory clarifies that a district may not require a parent/guardian or other relative to come onto school grounds to administer insulin and must provide the services needed by the child during the course of the regular school day. The CDE also states that a district may not require a parent/guardian to waive any rights or agree to any particular placement or related service as a condition of administering medication or assisting a student in the administration of medication. ***

If a parent/guardian chooses, he/she may administer the medication to his/her child at school or designate another individual who is not a school employee to do so on his/her behalf.

(cf. 1250 - Visitors/Outsiders)

(cf. 6116 - Classroom Interruptions)

***Note: Education Code 49414.5, 49423, and 49423.1 authorize students to carry and self-administer medication needed for diabetes, auto-injectable epinephrine for use by students suffering an anaphylactic reaction, and asthma medication. In order for students to self-administer any such medication, the district must receive appropriate written statements, as specified in the accompanying administrative regulation. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. ***

In addition, upon written request by the parent/guardian and with the approval of the student's authorized health care provider, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

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

Administration of Medication by School Personnel

***Note: Various provisions of state law allow districts to train unlicensed district employees to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414.7, as added by SB 161 (Ch. 560, Statutes of 2011), authorizes the use of a trained, unlicensed school employee to

administer emergency antiseizure medication to a student suffering from an epileptic seizure. In addition, Education Code 49414.5 authorizes the provision of medical assistance to students with diabetes suffering from severe hypoglycemia, while Education Code 49414 authorizes districts to voluntarily determine whether to make emergency epinephrine auto-injectors available at schools to persons suffering from severe allergic reactions. ***

***Note: Though adequate training and supervision are critical in order to ensure that students are kept safe and liability risks to districts and their employees are minimized, those standards are not always available. For the administration of emergency antiseizure medications pursuant to Education Code 49414.7, CDE, in consultation with the California Department of Public Health, is required to develop the guidelines for training and supervision of employees by July 1, 2012. For this reason, it is strongly recommended that districts consult with their legal counsel, appropriate medical personnel, and risk managers in order to ensure that appropriate protections are in place. The following section should be modified to reflect district practice. ***

Any medication prescribed by an authorized health care provider, including an emergency antiseizure medication for a student with epilepsy, 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)

School nurses and other designated school personnel shall administer medications 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)

***Note: The following paragraph is optional. In view of the ongoing litigation regarding the administration of insulin injection by unlicensed personnel, it is strongly recommended that districts consult with legal counsel prior to adopting a policy authorizing such a practice. ***

Only a school nurse or other school employee with an appropriate medical license may administer an insulin injection to a student. In the event that no such licensed school personnel is available, the district may contract with a licensed nurse from a public or private agency to administer insulin to the student.

(cf. 5141.24 - Specialized Health Care Services)

When unlicensed personnel are authorized by law to administer a medication, such as emergency antiseizure medication, epinephrine auto-injector, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer it to students receive appropriate training 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 emergency communication access to a school nurse, physician, or other appropriate individual.

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

***Note: Business and Professions Code 2727 authorizes unlicensed personnel to administer medication to students in emergency situations, such as during an epidemic or public disaster.

In an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

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

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. O'Connell, (2010) 185 Cal.App.4th 393

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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>

(7/10 11/10) 11/11

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 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. However, these standards are not always available. For example, Education Code 49414.7, as added by SB 161 (Ch. 560, Statutes of 2011), which requires guidelines for training and supervision of employees who may administer emergency antiseizure medication to students suffering from epileptic seizures, allows the California Department of Education, in consultation with the California Department of Public Health, to develop the guidelines by July 1, 2012. ***

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 may include any individual employed by the district who has 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)

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)

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 them to minimize inconsistencies in how students are treated. 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, as added by SB 161 (Ch. 560, Statutes of 2011), requires similar statements before district personnel may administer emergency antiseizure medications 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 year, providing required 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)

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, as added by SB 161 (Ch. 560, Statutes of 2011), if the 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, 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 four hours before a school day. (Education Code 49414.7)

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.

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 authorized 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 or otherwise assist the student in the administration of medication
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 may terminate consent for such administration 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, as added by SB 161 (Ch. 560, Statutes of 2011), has similar requirements for the administration of emergency antiseizure medication to students suffering from epileptic seizures. Districts that request additional information in the statement should modify the following list accordingly. ***

When district employees are to administer medication to a student or when a student is to be allowed to carry and self-administer prescription diabetes medication, auto-injectable epinephrine, or prescription inhaled 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)
2. The name of the medication (Education Code 49414.7, 49423, 49423.1; 5 CCR 602)
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)

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 are optional and 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

***Note: Education Code 49414.7, as added by SB 161 (Ch. 560, Statutes of 2011), adds the following requirements for the health care provider's written statement when an emergency antiseizure medication is involved. ***

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)

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

2. 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, the length of time for direct observation, and a requirement to 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 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 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 the administration of medication during field trips and after-school activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to the 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 the authorized health care provider and pharmacist regarding the medication and its effects

11. Counsel other designated 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

***Note: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication. ***

12. Ensure that 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 and parent/guardian instances when the 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

Upon receiving such notification, the site administrator may notify the student's authorized health care provider and shall document the error in the medication log.

Additional Requirements for Management of Epileptic Seizures

***Note: Pursuant to Education Code 49414.7, as added by SB 161 (Ch. 560, Statutes of 2011), any district that 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 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 optional section. ***

In addition to other applicable provisions in preceding sections, 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)

1. The notification of any parent/guardian who requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child that the child may qualify for services or accommodations under a Section 504 plan or an individualized education program (IEP).

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.

(cf. 6159 - Individualized Education Program)

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

2. The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the child's health care needs in school, if a parent/guardian refuses to have his/her child assessed for services or accommodations under the Section 504 plan or an IEP.

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 volunteer request, the training that the volunteer will receive, the voluntary nature of the program, and the timelines for the volunteer to rescind his/her offer.

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall renotify the student's parent/guardian of the option to be assessed for services and accommodations under Section 504 and the federal Individuals with Disabilities Education Act.

4. An assurance that any employee who volunteers to administer an emergency antiseizure medication receives training from a licensed health care professional 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, he/she shall attend a new training program 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 medications to students includes, 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.

(7/10 11/10) 11/11

CSBA Sample

Administrative Regulation

Specialized Health Care Services

AR 5141.24
Students

***Note: Pursuant to 20 USC 1412 and 34 CFR 300.101, a student with disabilities must be provided with special education and related services identified in the student's individualized education program (IEP). 34 CFR 300.34 defines "related services" to include school health and school nurse services. Whether a specific medical service needed by a student with disabilities must be provided by the district, at the district's expense, is a fact-specific analysis. Districts with questions should consult with legal counsel. ***

Definitions

Specialized physical health services means those health services prescribed by the student's licensed physician requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school. These services include catheterization, gastric tube feeding, suctioning, or other services that require medically related training. (Education Code 49423.5; 5 CCR 3051.12)

Qualified means the ability to demonstrate competence in cardio-pulmonary resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with disabilities. In addition, for designated school personnel, qualified means trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician, or other programs which provide the training. (Education Code 49423.5; 5 CCR 3051.12)

Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services. (5 CCR 3051.12)

Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times. (5 CCR 3051.12)

Provision of Services

A student with disabilities who requires specialized health care services during the school day, as identified in his/her individualized education program (IEP), may be assisted by any of the following individuals: (Education Code 49423.5, 56345)

***Note: AB 342 (Ch. 12, Statutes of 2007) amended Education Code 49423.5 to add a person

holding a certificate of public health nursing to the list of persons qualified to provide specialized services. ***

1. Qualified persons who possess an appropriate credential pursuant to Education Code 44267 (service credential with specialization in health), Education Code 44267.5 (service credential with specialization in health for school nurse), or a valid certificate of public health nursing issued by the Board of Registered Nursing

***Note: Education Code 49423.5 permits school nurses to train and supervise school personnel who do not possess a nursing license to provide specialized physical health care services to special education students during the school day. ***

***Note: AB 342 (Ch. 12, Statutes of 2007) amended Education Code 49423.5 to add a public health nurse to the list of people qualified to supervise other school personnel, as specified below. ***

2. Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision of a credentialed school nurse, public health nurse, or licensed physician and the services are determined by the credentialed school nurse or licensed physician, in consultation with the physician treating the student, to meet all of the following criteria:

- a. Constitute routine care for the student
- b. Pose little potential harm for the student
- c. Are performed with predictable outcomes, as defined in the student's IEP
- d. Do not require a nursing assessment, interpretation, or decision making by the designated school personnel

(cf. 6159 - Individualized Education Program)

Specialized health care or other services that require medically related training shall be provided pursuant to Education Code 49423. (Education Code 49423.5)

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

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured. (5 CCR 3051.12)

A qualified school nurse, public health nurse, or licensed physician responsible for supervising the physical health care of students with disabilities in the school setting shall: (5 CCR 3051.12)

1. Coordinate the health care services to the students with disabilities on the school site

2. Consult with appropriate personnel regarding management of health care services for students with disabilities
3. Make appropriate referrals and maintain communication with health agencies providing care to students with disabilities
4. Maintain or review licensed physician and parent/guardian requests and daily documentation records

The licensed physician of a student with disabilities who is required to receive physical health care services shall provide a written statement detailing the procedure and time schedule by which such procedures are to be given. In addition, the student's parent/guardian shall provide a written statement indicating his/her desire that the district assist the student in the matters set forth in the physician's statement and granting consent for the delivery of such services. (5 CCR 3051.12)

For each student with disabilities, the district shall maintain the physician and parent/guardian statements, as well as the specific standardized procedures to be used if the services are provided. The district shall also maintain daily documentation of specific services provided and shall include the signatures of the personnel who performed the procedure. This documentation shall be maintained in accordance with the requirements for confidentiality of student records and shall be classified as mandatory interim student records. (5 CCR 3051.12)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

44267 Services credential with specialization in health

44267.5 Services credential with specialization in health for school nurse

49423 Administration of prescribed medication for student

49423.5 Specialized physical health care services

49426 School nurses

56000-56606 Special education programs, especially:

56345 Individualized education program contents

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

CODE OF REGULATIONS, TITLE 5

3051.12 Health and nursing services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Related services

COURT DECISIONS

Cedar Rapids Community School District v. Garret F., (1999) 526 U.S. 66

Clovis Unified School District v. Office of Administrative Hearings, (1990) 903 F.2d 635

Taylor v. Honig, (1990) 910 F.2d 627

Management Resources:

WEB SITES

California Department of Education, Health Services and School Nursing:

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

California School Nurses Organization: <http://www.csno.org>

(6/94 3/07) 11/07

CSBA Sample

Administrative Regulation

Food Allergies/Special Dietary Needs

AR 5141.27
Students

Note: The following optional administrative regulation may be revised to reflect district practice.

Definitions

Note: The following definitions are based on Education Code 49414, resources from Food Allergy Research and Education, and guidance from the U.S. Department of Agriculture, Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff.

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

Notification by Parent/Guardian

The parents/guardians of any student who has a known food allergy or other special dietary need shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by the student's health care provider, that describes the nature of the student's condition, instructions, and necessary medications. If the student's condition requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

Health Plan

Upon receiving notice of a student's food allergy or other special dietary need, the

Superintendent or designee shall ensure that a written health plan is developed, in consultation with the student's parents/guardians and health provider, to manage the student's needs while at school or at a school-sponsored activity. The plan shall seek to minimize the student's risk of exposure to the allergen and address actions to be taken if exposure occurs.

As appropriate, the plan may include specific food prohibitions and substitutions, an identification of common school rooms where the student may be exposed, staff responsibilities, information and training to be provided to staff, accommodations and services to facilitate the student's participation in the educational program, and medical/emergency protocols.

Note: Pursuant to Section 504 of the federal Rehabilitation Act (29 USC 794) and the Americans with Disabilities Amendments Act of 2008 (42 USC 12102), a student with a food allergy or food intolerance that substantially limits one or more major life activities may be considered "disabled" and require accommodations, even if his/her allergy is being managed by mitigating measures; see the accompanying Board policy. Thus, in such circumstances the district is obligated to conduct a Section 504 evaluation in accordance with AR 6164.6 - Identification and Evaluation Under Section 504. The U.S. Department of Education's Office for Civil Rights (OCR), in its January 2012 Dear Colleague Letter and accompanying Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, states that an existing individualized health care plan may be insufficient if it does not comply with current Section 504 requirements for evaluation, placement, and procedural safeguards.

When a student with a food allergy or other special dietary need has been identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act, necessary accommodations and services shall be identified as part of the student's Section 504 services plan or individualized education program, as appropriate.

(cf. 5141.24 - Specialized Health Care Services)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Prevention Strategies

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

1. Notification to District Staff

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, and/or any other personnel responsible for supervising the student.

The principal or designee shall notify substitute staff of the identity of any students with known food allergies and the school's response plan.

(cf. 5125 - Student Records)

Note: Item #2 below is for use by districts that participate in the federal National School Lunch and/or School Breakfast Program (42 USC 1751-1769h, 1771-1791; 7 CFR 210.1-210.31, 220.1-220.21, 225.16) and may be adapted by other districts. 5 CCR 15562 provides that federal and state meal reimbursements may be claimed for substitutions made due to medical reasons provided that such substitutions are authorized in writing by a health care provider and the authorization is on file at the school.

2. Food Services

The district's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 that restricts their diet and when a health care provider has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5148.2 - Before/After School Programs)

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a health care provider. (7 CFR 210.10, 220.8, 225.16)

Note: The remainder of item #2 reflects guidance from the U.S. Department of Agriculture, Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff. The guidance clarifies that schools have a responsibility to provide a safe meal to a student when it has been determined that the student's food allergy is disabling, which may require checking food labels or specifications or seeking additional information when the label is insufficient.

The district's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a health care provider.

Food substitutions shall not result in any additional cost to the student.

3. Class Parties/School Activities

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that certain foods

not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with fresh cloth or disposable paper towels utilizing cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

Schoolwide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Supervision of Students

When available, staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria, on the playground, and on field trips or other school activities whenever students known to have a food allergy are present.

(cf. 6153 - School-Sponsored Trips)

7. Health Education

The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

(cf. 6142.8 - Comprehensive Health Education)

Emergency Response

Note: For language regarding a student's ability to carry and self-administer medication, including epinephrine auto-injectors, see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

Note: Pursuant to Education Code 49407, no district, Board member, school principal, health care provider, or hospital treating any child shall be held liable for the reasonable treatment of a child without the consent of a parent/guardian when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent/guardian cannot be reached, unless the parent/guardian has previously filed with the school district a written objection to any medical treatment other than first aid.

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

(cf. 4119.43 - Universal Precautions)

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

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

(cf. 5141 - Health Care and Emergencies)

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

When a student with a known allergy will be off school grounds, such as on a field trip, he/she shall be accompanied by a kit containing at least two doses of epinephrine, other medications as noted by the student's health care provider, and, as appropriate, the student's individualized food allergy plan.

(3/07) 8/13

CSBA Sample

Board Policy

Food Allergies/Special Dietary Needs

BP 5141.27

Students

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

The Governing Board desires to prevent students' exposure to foods to which they are allergic or intolerant and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but are not limited to, strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5030 - Student Wellness)

(cf. 5141 - Health Care and Emergencies)

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

Parents/guardians shall be responsible for notifying the Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

(cf. 5125 - Student Records)

***Note: If a student's food allergy or food intolerance substantially limits one or more major life activities, the student may be considered "disabled" in accordance with Section 504 of the federal Rehabilitation Act (29 USC 794), even if he/she does not require services pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482). For Section 504 purposes, the definitions of "disability" and "substantially limits" contained in 42 USC 12102, as amended by the Americans with Disabilities Amendments Act of 2008, require that a determination of disability be made without regard to the ameliorative effects of mitigating measures. For example, if a student has a severe allergy that is managed through allergy shots, frequent hand washing, bringing a lunch from home, or other measures, he/she may still be considered disabled under Section 504 if the allergy would substantially limit a major life activity without those

mitigating measures. The district would need to evaluate the student to determine if he/she has a disability and to develop an accommodation plan if necessary. See BP/AR 6164.6 - Identification and Education Under Section 504.***

Note: The U.S. Department of Education's Office for Civil Rights (OCR), in its January 2012 Dear Colleague Letter and accompanying Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, clarifies that under the new rules, many students with allergies would be considered to have a disability because their allergies are likely to substantially limit the major life activities of breathing and respiratory function without mitigating measures. Furthermore, an existing individualized health care plan may be insufficient if it does not comply with current Section 504 requirements for evaluation, placement, and procedural safeguards. Some regional offices of OCR have taken the position that a Section 504 plan is required because of the inherent danger that can result from an allergic reaction.

Note: The types of accommodations that may be considered reasonable vary depending on the individual needs of the student and the severity of the allergy. The National School Boards Association's Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies cites cases in which the accommodations imposed by administrative hearing officers ranged from providing an allergy-free table in the cafeteria to banning peanuts in a classroom.

When a student's food allergy or food intolerance substantially limits one or more major life activities, his/her parents/guardians shall be informed of the district's obligation to evaluate the student to determine if he/she requires accommodations pursuant to Section 504 of the federal Rehabilitation Act. The student shall be evaluated in accordance with law and the procedures specified in AR 6164.6 - Identification and Education Under Section 504. If that process results in the development of a Section 504 plan, the district shall provide the accommodations and/or aids and services identified in the plan.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6164.6 - Identification and Education Under Section 504)

If a student's diet restrictions and needed services are addressed in an individualized education program (IEP), the Superintendent or designee shall ensure compliance with the IEP including any necessary food substitutions.

(cf. 6159 - Individualized Education Program)

Note: Section 504 and other federal and state laws prohibit discrimination on the basis of disability. If an allergic student is determined to be "disabled" as discussed above, he/she is entitled to protection under the nondiscrimination provisions of Section 504, even if he/she does not need any special education or related services as a result of the allergy. In addition, Education Code 234.1 requires districts to adopt a process for receiving and investigating student complaints involving discrimination, harassment, intimidation, and bullying based on specified characteristics, including disability; see AR 1312.3 - Uniform Complaint Procedures.

Students shall not be excluded from school activities nor otherwise discriminated against, harassed, intimidated, or bullied because of their food allergy.

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

Any complaint of alleged noncompliance with this policy shall be addressed through appropriate district complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3555 - Nutrition Program Compliance)

The district's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a statement from the student's health care provider.

Legal Reference:

EDUCATION CODE

234.1 Prohibition against discrimination, harassment, intimidation, and bullying

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49423 Administration of prescribed medication for student

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

15562 Reimbursement for meals, substitutions

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

701-795a Rehabilitation Act, including:

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Program

1771-1791 Child nutrition, especially:

1773 School Breakfast Program

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

225.16 Meal programs, individual substitutions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

FOOD ALLERGY RESEARCH AND EDUCATION PUBLICATIONS

School Guidelines for Managing Students with Food Allergies

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies, Inquiry and Analysis, April 2009

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, 2001

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

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

WEB SITES

California Department of Education, Health Services: <http://www.cde.ca.gov/ls/he/hn>

Food Allergy Research and Education: <http://www.foodallergy.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

CSBA Sample

Administrative Regulation

Immunizations

AR 5141.31
Students

Required Immunizations

Note: The following optional paragraph may be revised to reflect district practice. The California Department of Public Health's (CDPH) California Immunization Handbook for Schools and Child Care Programs recommends that districts provide parents/guardians with a written notice of immunization requirements. The CDPH's Guide to the Requirements of the California School Immunization Law for Parents of Children in or Entering School or Child Care, which is available in English and Spanish, may be used for this purpose.

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

Note: The following paragraph should be revised to reflect the grade levels and programs offered by the district. See 17 CCR 6020 and the CDPH's Guide to Immunizations Required for School Entry and California Immunization Handbook for Schools and Child Care Programs for details regarding the ages/grades at which specific immunizations are required and the doses needed.

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program nor advance a student to specified grade levels unless the student has presented documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps, and rubella (MMR)
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)

7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Note: According to the CDPH's Guide to Immunizations Required for School Entry, the immunization record must be either a personal record with entries made by an authorized health care provider or a school immunization record from the student's previous school (either the California School Immunization Record or another state's school record). Pursuant to 17 CCR 6070, the record must include at least the month and year each dose was received. However, for measles, mumps, and rubella vaccine administered during the month of the first birthday, the record must show the month, day, and year.

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show the date that each dose was administered.

Exemptions

Exemption from immunization requirements shall be granted under either of the following circumstances: (Health and Safety Code 120365, 120370; 17 CCR 6051)

1. The student's parent/guardian provides a written statement by a licensed physician that, due to the physical condition or medical circumstances of the student, one or more immunizations are considered unsafe or are permanently not indicated. The physician's statement shall indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization. In such circumstances, the student shall be exempted from one or more vaccines to the extent indicated by the physician's statement.

Note: Health and Safety Code 120365 exempts a student from one or more immunization requirements if the parent/guardian states in writing that the immunizations are contrary to his/her beliefs. AB 2109 (Ch. 821, Statutes of 2012) amended Health and Safety Code 120365 to require that this written statement also document which immunizations have been given and to specify which immunizations are contrary to the parent/guardian's beliefs. On or after January 1, 2014, the parent/guardian statement must be accompanied by (1) a CDPH form signed by a physician attesting that he/she has provided certain information to the parent/guardian, as provided below, and (2) the parent/guardian's acknowledgment of the receipt of the information.

2. The student's parent/guardian provides a letter or affidavit documenting which immunizations required by Health and Safety Code 120355 have been given and which immunizations have not been given on the basis that they are contrary to the parent/guardian's beliefs.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

When immunization(s) are contrary to the parent/guardian's personal beliefs but there is good cause to believe that the student has been exposed to one of the communicable diseases listed in Health and Safety Code 120325, the student may be temporarily excluded from school until the local public health officer is satisfied that the student is no longer at risk of developing the disease.

On or after January 1, 2014, the parent/guardian shall also submit a form prescribed by the CDPH which includes a signed attestation by a health care practitioner that indicates he/she has provided the parent/guardian with information regarding the benefits and risks of the immunization and the health risks of the communicable diseases listed in Health and Safety Code 120335 to the person and the community. The parent/guardian shall sign a statement indicating that he/she has received this information. Neither the health care practitioner nor the parent/guardian shall sign these statements more than six months prior to the date that the student is subject to the immunization requirement. In lieu of the original form, the district shall accept a photocopy of the signed form or a letter by a health care practitioner that includes all information and attestations included on the form.

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6183 - Home and Hospital Instruction)

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. (Education Code 48216; 17 CCR 6040)

This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216)

(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has received some but not all required immunizations and is not due for any vaccine dose at the time of admission.
2. The student has a temporary exemption from immunization for medical reasons.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

Records

Note: The CDPH requires that school staff record all immunization dates from each student's personal immunization record onto the California School Immunization Record (often referred to as the "blue card") and then complete the documentation section of the card which includes the type of record provided and the status of the student's immunizations. The record also may be maintained electronically.

Note: An immunization record that is directly related to a student is an "education record" subject to the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67) and therefore generally requires parent/guardian consent to be lawfully disclosed. However, pursuant to 20 USC 1232g and 34 CFR 99.31 and 99.36, an exception exists when knowledge of the information is necessary to address an articulable and significant threat to the health or safety of the student or other individuals.

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

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CSBA Sample

Board Policy

School Health Services

BP 5141.6

Students

***Note: The following optional policy should be revised to reflect district practice. This policy addresses the provision of health services at or near school sites, such as through a school-based or school-linked health center or mobile van. Districts maintaining or planning to establish school health services are encouraged to read CSBA's policy brief entitled Expanding Access to School Health Services: Policy Considerations for Governing Boards. ***

***Note: Other CSBA sample policies and/or administrative regulations address specific health requirements and services for students. For example, see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions, AR 5141.24 - Specialized Health Care Services, BP/AR 5141.3 - Health Examinations, and AR 5141.32 - Health Screening for School Entry. ***

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

(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. 5141.25 - Availability of Condoms)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.33 - Head Lice)

(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 6145.2 - Athletic Competition)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

***Note: School health centers generally are funded by a combination of insurance reimbursements; state, federal, and county grants; district funds; subsidies from community clinics or hospitals; and/or private donations. In some cases, the provision of school health services has been supported by grants provided through the state's Healthy Start program (Education Code 8800-8807) although districts are expected to sustain programs and services after the grant period expires. ***

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

(cf. 1260 - Educational Foundation)
(cf. 1330.1 - Joint Use Agreement)
(cf. 3100 - Budget)
(cf. 7000 - Facilities Master Plan)

***Note: The following optional paragraph may be revised to reflect district practice. Health and Safety Code 124174.6 establishes a grant program within the Public School Health Center Support Program to award funds to school health centers, if and when funds are appropriated in the State Budget. Preference for grant funding shall be given in accordance with the priorities specified below. ***

The Board may prioritize school health services to schools with the greatest need, including schools with medically underserved populations, a high percentage of low-income and uninsured children and youth, large numbers of English learners, Academic Performance Index rankings in deciles 1-3, and/or a shortage of health professionals in the community.

School health services shall be provided or supervised by a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

(cf. 1020 - Youth Services)
(cf. 3312 - Contracts)

If a school nurse is employed by the school or district, he/she shall be involved in planning and implementing the school health services as appropriate.

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

California Department of Education's Health Framework for California Public Schools recommends a coordinated school health approach which integrates health services, health education, physical education, parent/community involvement, nutrition services, psychological and counseling services, a safe and healthy school environment, and health promotion for staff. ***

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6164.2 - Counseling/Guidance Services)

Consent and Confidentiality

***Note: Family Code 6920-6929 specify exceptions under which minors do not need parent/guardian consent prior to receiving services. As amended by AB 499 (Ch. 652, Statutes of 2011), Family Code 6926 authorizes a minor age 12 years or older to consent to medical care related to the prevention of a sexually transmitted disease. In addition, Health and Safety Code 124260 allows a minor age 12 or older to consent to outpatient mental health services if, in the opinion of a professional person, as defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. In this case, the child's parent/guardian must be involved unless the professional person determines it would be inappropriate. ***

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services 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.

***Note: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) mandates actions that "covered entities" must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release. Districts with questions about the applicability of HIPAA should consult legal counsel as appropriate. ***

***Note: In addition, 22 CCR 51270 requires districts serving as Medi-Cal providers (see section entitled "Payment/Reimbursement for Services" below) to comply with confidentiality requirements specified in 42 USC 1320c-9, 42 CFR 431.300, Welfare and Institutions Code 14100.2, Education Code 49073-49079, and 22 CCR 51009. ***

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

(cf. 5125 - Student Records)

Payment/Reimbursement for Services

***Note: Some school health services, such as medical and related services specified in an individualized education program for students with disabilities, must be provided free of charge. For other services, districts may charge a fee and are entitled to seek third-party reimbursement from students' private insurance and state or federal programs such as Medi-Cal, the low-cost Healthy Families insurance program, and the Child Health and Disability Prevention program. See the accompanying administrative regulation. ***

The Board desires that costs not be a barrier to student access to services. Services may be provided free of charge or on a sliding scale in accordance with law.

The Superintendent or designee shall establish procedures for billing public and private insurance programs and other applicable programs for reimbursement of services as appropriate.

(cf. 5143 - Insurance)

***Note: The following optional paragraph is for use by districts that have received approval from the California Department of Health Care Services to serve as Medi-Cal providers. A program that receives funding through the Healthy Start program is required by Education Code 8804 to seek designation as a Medi-Cal provider. ***

***Note: Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51051 and 51190.1, to the extent that federal funding is available, local educational agencies (LEAs) may receive partial Medi-Cal reimbursement through the LEA Medi-Cal Billing Option for health services provided to an enrolled student under age 22 who is certified for Medi-Cal and/or an eligible member of his/her family. In addition, pursuant to Welfare and Institutions Code 14132.47, LEAs may be reimbursed through the Medi-Cal Administrative Activities (MAA) program for some of their administrative costs associated with school-based health and outreach activities that are not claimable under the LEA Medi-Cal Billing Option or other programs. See the accompanying administrative regulation. ***

***Note: Districts may receive assistance with Medi-Cal and Medicaid billing through CSBA's PractiCal program; see CSBA's web site for further information. ***

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

***Note: The following optional paragraph is for use by districts that choose to engage in outreach and enrollment efforts to encourage eligible students' participation in no-cost or

low-cost health coverage programs. See E 5141.6 for a related sample board resolution. ***

***Note: Education Code 49557.2 authorizes the district to include on the application for free and reduced-price meals information about the Medi-Cal program and a student's potential eligibility. Pursuant to Education Code 49558, districts may release information on the free and reduced-price meals application to the local agency that determines eligibility under the Medi-Cal program, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information. See BP/AR 3553 - Free and Reduced Price Meals. ***

***Note: Students who do not qualify for Medi-Cal may be eligible for low-cost insurance through the state Healthy Families program, a part of the federal State Children's Health Insurance Program (SCHIP) (42 USC 1397aa-1397jj), which provides coverage for a variety of health, dental, and vision services, with the exception of early and periodic screening, diagnosis, and treatment services. ***

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but not be limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program.

(cf. 3553 - Free and Reduced Price Meals)

Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but not necessarily be limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

8800-8807 Healthy Start support services for children

49073-49079 Privacy of student records

49423.5 Specialized physical health care services

49557.2-49558 Eligibility for free and reduced-price meals; sharing information with

Medi-Cal

FAMILY CODE

6920-6929 Consent by minor for medical treatment

GOVERNMENT CODE

95020 Individualized family service plan

HEALTH AND SAFETY CODE

104830-104865 School-based application of fluoride or other tooth decay-inhibiting agent

121020 HIV/AIDS testing and treatment; parental consent for minor under age 12

123110 Minor's right to access health records

123115 Limitation on parent/guardian access to minor's health records

123800-123995 California Children's Services Act

124025-124110 Child Health and Disability Prevention Program

124172-124174.6 Public School Health Center Support Program

124260 Mental health services; consent by minors age 12 and older

130300-130317 Health Insurance Portability and Accountability Act (HIPAA)

WELFARE AND INSTITUTIONS CODE

14059.5 Definition of "medically necessary"

14100.2 Confidentiality of Medi-Cal information

14115 Medi-Cal claims process

14124.90 Third-party health coverage

14132.06 Covered benefits; health services provided by local educational agencies

14132.47 Administrative claiming process and targeted case management

CODE OF REGULATIONS, TITLE 10

2699.6500-2699.6905 Healthy Families Program

CODE OF REGULATIONS, TITLE 17

2951 Testing standards for hearing tests

6800-6874 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 22

51009 Confidentiality

51050-51192 Definitions of Medi-Cal providers and services

51200 Requirements for providers

51231.2 Wheelchair van requirements

51270 Local educational agency provider; conditions for participation

51304 Limitations on specified benefits

51309 Psychology, physical therapy, occupational therapy, speech pathology, audiological services

51323 Medical transportation services

51351 Targeted case management services

51360 Local educational agency; types of services

51491 Local educational agency eligibility for payment

51535.5 Reimbursement to local educational agency providers

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act (FERPA)

UNITED STATES CODE, TITLE 42

1320c-9 Prohibition against disclosure of records

1397aa-1397jj State Children's Health Insurance Program

CODE OF FEDERAL REGULATIONS, TITLE 42
431.300 Use and disclosure of information on Medicaid applicants and recipients
CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Management Resources:

CSBA PUBLICATIONS

Expanding Access to School Health Services: Policy Considerations for Governing Boards,
Policy Brief, November 2008

Promoting Oral Health for California's Student: New Role, New Opportunities for Schools,
Policy Brief, November 2008

Providing School Health Services in California: Perceptions, Challenges and Needs of District
Leadership Teams, 2008

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

LEA Medi-Cal Provider Manual

California School-Based Medi-Cal Administrative Activities Manual

DEPARTMENT OF HEALTH SERVICES POLICY LETTERS

00-06 Managed Care Plan Relationships with Local Education Agency Providers, December 11,
2000

NATIONAL ASSEMBLY ON SCHOOL-BASED HEALTH CARE PUBLICATIONS

A Guidebook for Evaluating School-Based Health Centers

NATIONAL CENTER FOR YOUTH LAW PUBLICATIONS

Minor Consent, Confidentiality, and Child Abuse Reporting in California, October 2006

WEB SITES

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

CSBA, PractiCal Program:

<http://www.csba.org/Services/Services/DistrictServices/PractiCal.aspx>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Health Services and School Nursing:

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

California Department of Health Care Services: <http://www.dhcs.ca.gov>

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

California School Health Centers Association: <http://www.schoolhealthcenters.org>

California School Nurses Organization: <http://www.csno.org>

Center for Health and Health Care in Schools: <http://www.healthinschools.org>

Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS)
Study: <http://www.cdc.gov/HealthyYouth/shpps>

Centers for Medicare and Medicaid Services: <http://www.cms.hhs.gov>

Healthy Families Program: <http://www.healthyfamilies.ca.gov>

National Assembly on School-Based Health Care: <http://www.nasbhc.org>

National Center for Youth Law: <http://www.youthlaw.org>

CSBA Sample

Administrative Regulation

School Health Services

AR 5141.6
Students

Types of Health Services

***Note: The following optional section may be revised to reflect district practice. Health and Safety Code 124174.6 establishes a grant program within the Public School Health Center Support Program to award funds, if and when funds are appropriated in the State Budget, to school health centers that provide the following services. ***

In accordance with student and community needs and available resources, school health services offered by the district may include, but are not limited to:

1. Physical examinations, immunizations, and other preventive medical services

(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)

2. First aid and administration of medications

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

3. Diagnosis and treatment of minor injuries and acute medical conditions

4. Management of chronic medical conditions

(cf. 5141.23 - Asthma Management)

5. Basic laboratory tests

6. Referral to and follow-up for specialty care

7. Emergency response procedures

(cf. 5141 - Health Care and Emergencies)

8. Nutrition services

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

9. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

***Note: Pursuant to Health and Safety Code 104830-104865, elementary and secondary students must be offered an opportunity each school year to receive a topical application of fluoride or other decay-inhibiting agent by a dentist or dental assistant, under a program organized and operated by the county health officer. Districts are required to cooperate with the county health officer in carrying out the program in any school in their jurisdiction and to provide notification to parents/guardians regarding the availability of the program, as provided below. ***

The Superintendent or designee shall notify all parents/guardians of the opportunity pursuant to Health and Safety Code 104830-104865 for their child to receive the topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth during the school year. This notification may be returned by the parent/guardian to consent to the treatment or to indicate that the student shall not receive treatment because he/she has received the treatment from a dentist or the treatment is not desired. (Health and Safety Code 104830, 104850, 104855)

(cf. 5145.6 - Parental Notifications)

10. Mental health services, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs

(cf. 1020 - Youth Services)
(cf. 5141.52 - Suicide Prevention)
(cf. 6164.2 - Counseling/Guidance Services)

11. Substance abuse prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

***Note: Item #12 may be deleted by districts that offer only elementary grades. ***

12. Reproductive health services

(cf. 5141.25 - Availability of Condoms)

13. Screening of students to identify the need for physical, mental, and oral health services

14. Referrals and linkage to services not offered on-site
15. Public health and disease surveillance
16. Individual and family health education
17. School or districtwide health promotion

Medi-Cal Billing

***Note: The following optional section is for use by districts that have contracted with the California Department of Health Care Services (DHCS) in order to provide services as a Medi-Cal provider as authorized by Welfare and Institutions Code 14132.06; see the accompanying Board policy. To the extent that the district contracts with health care practitioners or clinics to provide the services, the practitioner or clinic is considered the provider of services and is the entity billing and receiving Medi-Cal payments for services. ***

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

***Note: With the exception of health care aides who provide specialized physical health care services pursuant to Education Code 49423.5, any practitioner whom the district employs or with whom it contracts must be credentialed to practice as a physician, registered nurse, psychologist, school counselor, or one of 17 other professions listed in 22 CCR 51190.3 in order for the district to receive Medi-Cal reimbursement. ***

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

***Note: Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51535.5, reimbursement under Medi-Cal is limited to the services specified in 22 CCR 51190.4 and 51360. Also, Medi-Cal will not reimburse providers for services given to Medi-Cal beneficiaries if the same services are offered for free to non-Medi-Cal beneficiaries. ***

***Note: 22 CCR 51360 provides that off-campus nursing or school health aide services will be reimbursable when specified in an individualized education program (IEP), individualized family service plan (IFSP), or individualized health and support plan (IHSP); however, the DHCS discontinued reimbursement for IHSP-linked services effective July 1, 2001. Its action was based on a decision by the Centers for Medicare and Medicaid Services (CMS) that IHSP services are not covered by the federal Medicaid program. Thus, such services must be specified in an IEP or IFSP to be reimbursable. ***

***Note: The district may apply for Medi-Cal reimbursement for medical transportation

services for students with or without an IEP or IFSP pursuant to 22 CCR 51323. ***

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

The district shall maintain records and supporting documentation including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270, 51476)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

***Note: 22 CCR 51270 requires that districts submit an annual report, as described below, as a condition of continued participation as a Medi-Cal provider. The deadline for this annual report is specified in the program provider participation agreement that districts enter into with DHCS. ***

The Superintendent or designee shall submit an annual report to DHCS identifying participants in the community collaborative, containing a financial summary including reinvestment expenditures, and describing service priorities for the future. (22 CCR 51270)

***Note: 22 CCR 51270 requires federal reimbursements to be reinvested in health and social services for students and their families, as provided below. This requirement does not apply to reimbursements received under the Medi-Cal Administrative Activities (MAA) program described in the following section. ***

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in services for students and their families as specified in Education Code 8804(g). The Superintendent or designee shall consult with a local school-linked services collaborative group, such as that defined in Education Code 8806, regarding decisions on reinvestment of federal funds. (22 CCR 51270)

Medi-Cal Administrative Activities

***Note: The following optional section is for use by districts that participate in the MAA program administered by the DHCS pursuant to Welfare and Institutions Code 14132.47. Under this program, districts providing Medi-Cal-covered health services may be reimbursed for some of their administrative and outreach costs. School staff is required to complete a time survey indicating the time spent on specified MAA activities. This section reflects program requirements described in the California School-Based Medi-Cal Administrative Activities

Manual and time survey forms published by DHCS. ***

***Note: Districts may receive assistance with Medi-Cal and Medicaid administrative billing through CSBA's PractiCal program; see CSBA's web site for further information. ***

Designated school staff shall document, on a time survey form, the amount of time spent on activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to, outreach, referral of health and mental health services, translation services, facilitation of applications, scheduling and arranging emergency and medical transportation of eligible individuals, contracting for services, program planning and policy development, claims administration, and general administration.

***Note: The district must submit claims through either a local educational agency consortium (i.e., one of the service regions of the California County Superintendent Educational Services Association) or a local governmental agency (i.e., county or chartered city) that has contracted with DHCS. The district may modify the following paragraph to reflect the appropriate entity or agency. ***

The Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted to receive reimbursement.

***Note: The program requires the local educational consortium or local governmental agency to provide training to participating districts prior to the time survey. District staff to be included in the time survey must participate in training as described in the following paragraph. ***

Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.

The Superintendent or designee shall maintain an audit file containing original time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

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CSBA Sample

Administrative Regulation

Identification And Reporting Of Missing Children

AR 5142.1
Students

Notices of Missing Children

Note: Pursuant to Education Code 38139, schools are required to post a poster issued each month by the Department of Justice (DOJ) which contains photographs and information on up to six children reported missing. The poster is available on the DOJ's web site.

Every school shall post in an appropriate area the monthly poster on missing children provided by the Department of Justice (DOJ). For elementary schools, the poster shall be posted in an area restricted to adults. (Education Code 38139; Penal Code 14208)

Note: The following paragraph is optional. Education Code 49068.5 encourages, but does not require, elementary school principals to review a quarterly missing person bulletin produced by the DOJ whenever a new student enrolls or transfers into the district. The bulletin is available on the DOJ's web site.

Whenever a new student enrolls or transfers into an elementary school in the district, the principal or designee is encouraged to review the missing person bulletins provided by the DOJ to determine if the student resembles a child listed as missing. (Education Code 49068.5)

(cf. 5111 - Admission)

Note: The following paragraph is optional. The "Amber Alert" system uses radio, television, the Internet, and highway information signs to provide the public with information needed to locate abducted children. Cell phone users also may sign up to receive Amber Alert notifications via text messages. Further information is available on the web site of the California Highway Patrol.

School staff are also encouraged to monitor "Amber Alerts" issued by law enforcement agencies in serious, time-critical child abduction cases.

Note: Education Code 49068.6 requires the law enforcement agency responsible for the investigation of a missing child to inform the school in which the child is enrolled. The notice must be in writing, include a photograph if available, and be given within 10 days of the child's disappearance. Upon being so notified, the school must take the actions specified in the following paragraph.

If a law enforcement agency notifies the district that a child enrolled in the district has been

reported missing, the principal or designee of the school in which the child is enrolled shall place a notice on the front of the child's school record indicating that he/she has been reported missing. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement agency that informed the school of the missing child's status. (Education Code 49068.6)

(cf. 5125 - Student Records)

Reporting Missing Children

Any district employee who recognizes a child who has been reported missing through a DOJ notice, an Amber Alert, or other means shall immediately notify law enforcement using the hotline telephone number listed.

In the event that a district employee witnesses a child abduction, he/she shall immediately contact law enforcement and provide the agency with information on the location of the abduction and a description of the victim, the suspect, and any vehicle involved. He/she shall also notify the Superintendent or designee who shall implement steps, as needed, to ensure the safety of other students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5142 - Safety)

Fingerprinting Program

Note: The following optional section is for use by districts that elect, pursuant to Education Code 32390, to offer a voluntary fingerprinting program for those students enrolled in kindergarten and newly enrolled in the district.

The district may offer a voluntary fingerprinting program for all entering kindergarten students and for all students newly enrolled in the district. The district may contract with any public or private agency, including any appropriate civic or community organization, and/or may seek to obtain private funding and volunteer assistance to perform the fingerprinting. (Education Code 32390; 5 CCR 640)

(cf. 1240 - Volunteer Assistance)
(cf. 3312 - Contracts)

Students shall not be fingerprinted without parent/guardian consent. At the time of students' enrollment in the district, the Superintendent or designee shall notify the parents/guardians of the availability of the voluntary fingerprinting program and ask them to declare, in writing, whether or not they want their child to participate. At the same time, the Superintendent or designee shall notify parents/guardians in writing that they may reverse their declaration on fingerprinting in writing at any time. (Education Code 32390)

(cf. 5145.6 - Parental Notifications)

Parents/guardians of students who consent to the fingerprinting shall be charged a fee calculated to reimburse the district only for actual costs associated with the program. (Education Code 32390)

(cf. 3260 - Fees and Charges)

Note: Standards for fingerprinting services are detailed in 5 CCR 641. These standards include, but are not limited to, the use of Department of Justice fingerprint forms, fingerprint equipment, and training in the taking of the fingerprints.

Fingerprint services shall be provided in accordance with the standards specified in 5 CCR 641.

Any report or document containing a student's fingerprints shall be given to the parents/guardians. It may be given with the child's report card or any other document routinely mailed to parents/guardians, or may be given in person at any parent-teacher conference. No report or document containing a student's fingerprints shall be kept by the district or given to any other private or public entity. (Education Code 32390)

(cf. 5022 - Student and Family Privacy Rights)

Legal Reference:

EDUCATION CODE

32390 Voluntary program for fingerprinting students

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

PENAL CODE

14200-14213 Violent crime information center

CODE OF REGULATIONS, TITLE 5

640-641 Student fingerprinting program

Management Resources:

WEB SITES

California Department of Justice, Missing Persons: <http://oag.ca.gov/missing>

California Highway Patrol, Amber Alert: <http://www.chp.ca.gov/amber>

National Center for Missing and Exploited Children: <http://www.missingkids.com>

CSBA Sample

Board Policy

Discipline

BP 5144

Students

Note: The following policy is optional. In amending Education Code 48900 through AB 1729 (Ch. 425, Statutes of 2012), the legislature declared that the public policy guiding the development of discipline policies for California schools should be for the creation of a safe, positive, supportive, and equitable school environment which enables students to learn rather than unnecessary exclusion of students from instruction and other school activities. As amended, Education Code 48900 authorizes the use of age-appropriate alternatives to suspension and expulsion of students. In addition, Education Code 48900.5, as amended by AB 1729, provides alternative methods of discipline that should be considered before suspension is imposed. Such alternative methods include conferences with the student and his/her parents/guardians, use of study teams, and participation in restorative justice programs. Education Code 48900.5 also authorizes a district to document in a student's records other means of correction that may have been used to address the student's behavior.

Note: For further information about disciplinary strategies, see the accompanying administrative regulation and CSBA's publication Safe Schools: Strategies for Governing Boards to Ensure Student Success.

The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)
(cf. 6164.5 - Student Success Teams)

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Bullying)

Note: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. The following paragraph is optional.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn.

Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(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)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

At the beginning of every school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in each school in the immediately preceding school year and their effect on student learning in the school.

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of
Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

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>

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CSBA Sample

Administrative Regulation

Discipline

AR 5144
Students

Site-Level Rules

Note: The following section is optional. Pursuant to Education Code 35291.5, schools are authorized, but not required, to adopt site-level student discipline rules and procedures. Schools that choose to adopt student discipline rules, or that are directed by the Governing Board to do so, must solicit input from groups specified in items #1-5 below. If the school develops student discipline rules, Education Code 32282 requires that they be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan.

In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

Note: Item #5 below may be deleted by elementary districts.

5. For junior high and high schools, students enrolled in the school

Note: The following paragraph is optional.

Each school shall file a copy of its rules with the Superintendent or designee.

Note: Education Code 35291.5 provides that schools may adopt discipline rules at least every four years. The following optional paragraph, including the timelines for review of the school's discipline rules, may be revised to reflect district practice.

Each school shall review its site-level discipline rules at least every four years.

8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

(cf. 5148.2 - Before/After School Programs)

9. Recess restriction as provided in the section below entitled "Recess Restriction"

10. Detention after school hours as provided in the section below entitled "Detention After School"

11. Community service as provided in the section below entitled "Community Service"

12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

13. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

14. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

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

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

Recess Restriction

Note: Education Code 44807.5 authorizes the district to adopt reasonable regulations allowing a teacher to restrict recess time for disciplinary purposes. The following optional section should be revised to reflect district practice.

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.

2. The student shall remain under a certificated employee's supervision during the period of restriction.

3. ~~Teachers shall inform the principal of any recess restrictions they impose.~~

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

Note: 5 CCR 353 limits after-school detention to one hour after the close of the maximum school day except as otherwise provided by 5 CCR 307. 5 CCR 307 allows schools to require students to stay at school and participate in school activities until the departure of the school transportation to which the student has been assigned. The California Department of Education's legal counsel has interpreted these regulations to mean that a school may detain a student up to an hour after school even if the student misses his/her bus, and may require a student to remain at school for more than one hour if the school bus leaves more than one hour after the end of the school day. For safety purposes, when a student will miss his/her transportation due to detention, the school should notify the parent/guardian at least one day in advance so that alternative arrangements may be made.

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

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

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Note: The following optional paragraph is offered for districts that use Saturday classes for purposes of detention. Education Code 37223 authorizes the use of Saturday classes; however, except in the case of truants, attendance at such classes must be at the election of the student or parent/guardian.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

Note: Education Code 48900.6 provides that the community service option is not available for those students who have been suspended, pending expulsion, for acts qualifying for either "mandatory recommendation for expulsion" or "mandatory expulsion" pursuant to Education Code 48915. See AR 5144.1 - Suspension and Expulsion/Due Process.

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

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CSBA Sample

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

Note: Education Code 35291 requires the Governing Board to prescribe rules and regulations for maintaining discipline in the schools under its jurisdiction. In addition, Education Code 48918 mandates the setting of rules and regulations for student expulsion; see the accompanying administrative regulation.

Note: While recognizing that suspension or expulsion of students is sometimes necessary, the California State Legislature has made its intent clear that instructional time should be used for student learning purposes and that school discipline should be imposed in a way that, as much as possible, would not exclude students from school or limit their ability or opportunity to learn. Pursuant to Education Code 48900.5, as amended by AB 1729 (Ch. 425, Statutes of 2012), a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct. Such other means of correction include, but are not limited to, conferences between school personnel and the student and his/her parents/guardians; use of study, guidance, or other intervention teams to develop a plan to address the behavior in partnership with the student; and participation in a restorative justice program. Education Code 48900.5, as amended, also authorizes a district to document in a student's records the alternative means of correction used to address the student's behavior. For further information about specific disciplinary strategies, see BP/AR 5144 - Discipline.

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

Note: The following optional paragraph reflects the Legislature's intent, expressed in Education Code 48900, concerning disciplinary actions against truant, tardy, or absent students.

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

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

Note: The following optional paragraph may be revised to reflect district practice. Although the term "zero tolerance" does not appear in law, the federal Gun-Free Schools Act (20 USC 7151) requires a district to expel for one year a student who brings a firearm to school without permission. This requirement has commonly been labeled as "zero tolerance." Education Code 48915(c) also requires the mandatory suspension and recommendation for expulsion of students who possess, sell, or furnish a firearm, brandish a knife, sell a controlled substance, commit or attempt to commit a sexual assault or sexual battery, or possess an explosive. However, as amended by AB 2537 (Ch. 431, Statutes of 2012), Education Code 48915(c) clarifies that a student's possession of an "imitation firearm" does not require expulsion. See accompanying administrative regulation and BP/AR 5131.7 - Weapons and Dangerous Instruments.

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

(cf. 5131.7 - Weapons and Dangerous Instruments)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be those specified in law and administrative regulation.

Note: The following optional paragraph highlights the importance of ensuring fairness in the dispensing of suspension and/or expulsion to students who violate school rules. As part of its justification for passing AB 1729 (Ch. 425, Statutes of 2012), the Legislature noted in its findings that suspension and expulsion are disproportionately imposed on some vulnerable student populations. The U.S. Department of Education's Office for Civil Rights' (OCR) March 2012 publication, Civil Rights Data Collection Summary, indicates that males, certain ethnic minority students, and students with disabilities are being suspended or expelled at a disproportionately higher rate than other students.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

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

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

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

Removal from Class by a Teacher and Parental Attendance

Note: The following section is for use by any district that chooses to require parents/guardians to attend a portion of the school day when their child is removed from class for specified behaviors, as authorized by Education Code 48900.1. As noted in its findings in AB 1729 (Ch. 425, Statutes of 2012), the Legislature has indicated its preference for disciplinary strategies that keep students engaged in school and from losing instructional time. For any district using this disciplinary option, the Board is required to include the components specified in this section. Districts that do not require parental attendance should delete this section.

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

***Note: For any district that authorizes parental attendance as a disciplinary option, Education Code 48900.1 mandates that the district's policy include procedures to ensure that

parents/guardians who attend school meet with the principal or designee after completing the classroom visitation and before leaving the school.***

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

Note: The following paragraph is optional and may be revised to reflect district practice.

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

Note: For any district that authorizes parental attendance as a disciplinary option, Education Code 48900.1 mandates that the district's policy include procedures for contacting parents/guardians who do not respond to the request to attend. The following paragraph may be revised to reflect district practice.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

Note: As an alternative to off-campus suspension, Education Code 48911.1 authorizes a supervised suspension classroom program for students who pose no imminent danger to anyone at school and who have not been recommended for expulsion, as specified below. Education Code 48911.2 states that if the number of students suspended during the prior year exceeds 30 percent of the school's enrollment, the district should consider implementing this program and/or another program of on-campus progressive discipline. However, Education Code 48900.5, as amended by AB 1729 (Ch. 425, Statutes of 2012), requires a district to try other means of correction, under certain circumstances, before imposing a supervised suspension.

Note: The following optional section is for use by districts implementing a supervised suspension classroom program; such districts may continue to claim apportionments for students so assigned, provided they meet specific criteria which are set forth under "Supervised Suspension Classroom" in the accompanying administrative regulation.

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent

danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Decision Not to Enforce Expulsion Order

Note: Pursuant to Education Code 48917, the Board may decide to suspend the enforcement of an order for expulsion if a student satisfies specific conditions. See the accompanying administrative regulation for criteria. In addition, the Attorney General opined in 80 Ops. Cal. Atty. Gen. 85 (1997) that a board may suspend the enforcement of an expulsion even in those cases where the student has committed an offense for which expulsion is required by law. Legal counsel should be consulted as appropriate.

Note: Option 1 below is for use by boards that choose not to suspend the enforcement of an order for expulsion in cases where the student has committed an offense for which expulsion is mandatory pursuant to Education Code 48915(c). Option 2 is for use by boards that, on a case-by-case basis, may determine that an order for expulsion be suspended for any type of offense.

OPTION 1: In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law and administrative regulation.

OPTION 2: On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Monitoring the Use of Suspension and Expulsion

Note: The following section is optional. Pursuant to Education Code 48900.8 and 48916, the district is required to maintain data related to suspensions and expulsions and to report them to the Superintendent of Public Instruction upon request. For the specific information required, see the accompanying administrative regulation.

At the end of each school year, the Superintendent or designee shall present a report to the Board regarding the use of suspension and/or expulsion in district schools. The report shall include, but is not limited to, outcome data which the district is required by law to collect and data related to the effect of suspension and/or expulsion on the district's minority student populations or groupings.

(cf. 9320 - Meetings and Notices)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors, or stun guns
868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights Data Collection Summary, March 2012

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

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

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

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

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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, 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: Education Code 234.1, as amended by AB 9 (Ch. 728, Statutes of 2011), mandates that districts adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on the foregoing characteristics, as well as gender identity and gender expression, at school or in any school activity related to school attendance or under the authority of the district. The California Department of Education (CDE), through its compliance monitoring program, reviews districts' uniform complaint procedures and other related 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.

(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: In its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S. Department of Education's Office for Civil Rights (OCR) identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. Such training should include how to recognize prohibited behaviors and what to do when they occur. The following paragraph is optional and may be modified to reflect district practice.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Note: In some situations, the district may need to provide individualized accommodation to a student to protect him/her from harassment or bullying. For example, to protect a student from discrimination on the basis of his/her gender identity or gender expression pursuant to Education Code 210.7, the district may need to provide the student with access to appropriate facilities, such as restrooms. However, each situation will need to be analyzed to determine the most appropriate course of action to meet the safety needs of the student, based on the circumstances involved. See CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for All Students.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Note: Policies related to discrimination or harassment must be consistent with First Amendment rights 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 discipline, up to and including counseling, suspension, and/or expulsion. 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)

Grievance Procedures

Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), mandates 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.

Note: Pursuant to 34 CFR 104.7 and 106.8, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Title IX and Section 504, which prohibit discrimination on the bases of sex and disability. 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:

(position title) Superintendent

(address) 3901 North Mesa School Road, Sanis CA

(telephone number) (805) 485-1411

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

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 report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

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.

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.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students. 8

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6163.4 - Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

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

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:

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Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common

Ground, 2006

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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>

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CSBA Sample

Board Policy

Parental Notifications

BP 5145.6

Students

The Governing Board recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

Note: Education Code 48981 and 48982, as amended by AB 2262 (Ch. 17, Statutes of 2012), authorize annual parental notifications to be sent electronically upon request, as provided below.

The notice required pursuant to Education Code 48980 shall be sent at the beginning of each academic year and may be provided either by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 48981, 48982)

If any activity specified in Education Code 48980 will be undertaken by any school during the forthcoming school term, the notice shall state that fact and the approximate date on which any such activity will occur. No such activity shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

***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 either language. As amended by AB 2262 (Ch. 17, Statutes of 2012), Education Code 48981 requires notifications sent electronically to conform to the primary language requirements of Education Code 48985. 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 following paragraph should be modified to reflect district practice.

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. (Education Code 48981, 48985; 20 USC 6311, 6312)

Whenever an employee learns that a student's parent/guardian is, for any reason, unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

- 221.5 Prohibited sex discrimination
- 231.5 Sexual harassment policy
- 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
- 310 Structured English immersion program
- 440 English language proficiency assessment; instruction in English language development
- 17288 Building standards for university campuses
- 17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 35160.5 Extracurricular and cocurricular activities
- 35178.4 Notice of accreditation status
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35256 School Accountability Report Card
- 35291 Rules for student discipline
- 37254 Intensive instruction for students who have not passed High School Exit Examination
- 37616 Consultation regarding year-round schedule
- 39831.5 School bus rider rules and information
- 44808.5 Permission to leave school grounds
- 46010.1 Notice regarding excuse to obtain confidential medical services
- 46014 Regulations regarding absences for religious purposes
- 46600-46611 Interdistrict attendance agreements
- 48000 Minimum age of admission
- 48070.5 Promotion or retention of students
- 48204 Residency requirements
- 48205 Absence for personal reasons
- 48206.3 Students with temporary disabilities; individual instruction; definitions

48207-48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance
48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48354 Option to transfer from school identified under Open Enrollment Act
48357 Status of application for transfer from school identified under Open Enrollment Act
48432.5 Involuntary transfers of students
48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of student to peace officer
48911 Notification in case of suspension
48911.1 Assignment to supervised suspension classroom
48912 Closed sessions; consideration of suspension
48915.1 Expelled students; enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification
48982 Parent signature acknowledging receipt of notice
48983 Contents of notice
48984 Activities prohibited unless notice given
48985 Notices to parents in language other than English
48987 Child abuse information
49013 Use of uniform complaint procedures for complaints regarding student fees
49063 Notification of parental rights
49067 Student evaluation; student in danger of failing course
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49073 Release of directory information
49076 Access to student records
49077 Access to information concerning a student in compliance with court order
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student
49451 Physical examinations: parent's refusal to consent
49452.5 Screening for scoliosis
49452.7 Information on type 2 diabetes
49452.8 Oral health assessment
49456 Results of vision or hearing test
49472 Insurance
49475 Student athletes; concussions and head injuries
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Mosccone Family Nutrition Education and Services Act of 1970

51225.3 Graduation requirements; courses that satisfy college entrance criteria
51229 Course of study for grades 7-12
51513 Personal beliefs; privacy
51938 HIV/AIDS and sexual health instruction
52164.1 Census-taking methods; determination of primary language; assessment of language skills
52164.3 Reassessment of English learners; notification of results
52173 Bilingual education
52244 Advanced Placement program
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies regarding written notification rights
56321 Special education: proposed assessment plan
56321.5-56321.6 Notice of parent rights pertaining to special education
56329 Written notice of right to findings; independent assessment
56341.1 Development of individualized education program; right to audio record meeting
56341.5 Individualized education program team meetings
56343.5 Individualized education program meetings
58501 Alternative schools; notice required prior to establishment
60641 Standardized Testing and Reporting Program
60850 High School Exit Examination
60852.4 High School Exit Examination; waiver for student with disabilities

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility
104855 Availability of topical fluoride treatment
120365-120375 Immunizations
120440 Sharing immunization information
124100 Health screening and immunizations

PENAL CODE

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

850 Definitions; notification regarding use of California Modified Assessment
863 Standardized Testing and Reporting Program
3052 Behavioral intervention
3831 General standards, Gifted and Talented Education program
4622 Notification of uniform complaint procedures
4631 Uniform complaint procedures; notification of decision and right to appeal
4702 Student transfer from school identified under Open Enrollment Act
4917 Notification of sexual harassment policy
11303 Reclassification of English learners
11309 Parental exception waivers
11511.5 English language proficiency assessment; test results
11523 Notice of proficiency examinations
18066 Child care policies regarding excused and unexcused absences

CODE OF REGULATIONS, TITLE 17

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act
1232h Privacy rights
1415 Procedural safeguards
6311 State plans
6312 Local education agency plans
6316 Academic assessment and local education agency school improvement
6318 Parental involvement
7012 Instruction in English language development
7908 Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42
1758 Child nutrition programs
CODE OF FEDERAL REGULATIONS, TITLE 7
245.5 Eligibility criteria for free and reduced-price meals
245.6a Verification of eligibility for free and reduced-price meals
CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.34 Student records, disclosure to other educational agencies
99.37 Disclosure of directory information
104.32 District responsibility to provide free appropriate public education
104.36 Procedural safeguards
104.8 Nondiscrimination
106.9 Dissemination of policy, nondiscrimination on basis of sex
200.61 Teacher qualifications
300.300 Parent consent for special education evaluation
300.322 Parent participation in IEP team meetings
300.502 Independent educational evaluation of student with disability
300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
300.504 Procedural safeguards notice for students with disabilities
300.508 Due process complaint
300.530 Discipline procedures
CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans

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Parental Notifications

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

***Note: The following exhibit lists notices which the law requires be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections.

I. Annually

When to notify: Beginning of each school year
Education or other legal code: 17612, 48980.3
Board Policy/Administrative Regulation: AR 3514.2
Subject: Use of pesticide product, active ingredients, Internet address to access information

When to notify: By February 1
Education or other legal code: 35256
Board Policy/Administrative Regulation: BP 0510
Subject: School Accountability Report Card provided

When to notify: Beginning of each school year
Education or other legal code: 35291, 48980
Board Policy/Administrative Regulation: AR 5144, AR 5144.1
Subject: District and site discipline rules

When to notify: Beginning of each school year

Education or other legal code: 46010.1
Board Policy/Administrative Regulation: BP 5113
Subject: Absence for confidential medical services

When to notify: Beginning of each school year
Education or other legal code: 48980
Board Policy/Administrative Regulation: BP 6111
Subject: Schedule of minimum days

When to notify: Beginning of each school year
Education or other legal code: 48980, 231.5; 5 CCR 4917
Board Policy/Administrative Regulation: AR 5145.7
Subject: Sexual harassment policy as related to students

When to notify: Beginning of each school year
Education or other legal code: 48980, 32255-32255.6
Board Policy/Administrative Regulation: AR 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to notify: Beginning of each school year
Education or other legal code: 48980, 35160.5, 46600-46611, 48204
Board Policy/Administrative Regulation: AR 5111.1, AR 5116.1, AR 5117
Subject: All statutory attendance options, available local attendance options, options for meeting residency

When to notify: Beginning of each school year, if Board allows such absence
Education or other legal code: 48980, 46014
Board Policy/Administrative Regulation: BP 5113, AR 5113
Subject: Absence for religious exercises or purposes,

When to notify: Beginning of each school year
Education or other legal code: 48980, 48205
Board Policy/Administrative Regulation: BP 5113, AR 5113, AR 6154
Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed

When to notify: Beginning of each school year
Education or other legal code: 48980, 48206.3, 48207, 48208
Board Policy/Administrative Regulation: AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to notify: Beginning of each school year
Education or other legal code: 48980, 49403
Board Policy/Administrative Regulation: BP 5141.31
Subject: Consent to school immunization program

When to notify: Beginning of each school year
Education or other legal code: 48980, 49423, 49480
Board Policy/Administrative Regulation: AR 5141.21
Subject: Administration of prescribed medication

When to notify: Beginning of each school year
Education or other legal code: 48980, 49451; 20 USC 1232h
Board Policy/Administrative Regulation: AR 5141.3
Subject: Right to refuse consent to physical examination

When to notify: Beginning of each school year
Education or other legal code: 48980, 49472
Board Policy/Administrative Regulation: BP 5143
Subject: Availability of insurance

When to notify: Beginning of each school year
Education or other legal code: 49013; 5 CCR 4622
Board Policy/Administrative Regulation: AR 1312.3
Subject: Uniform complaint procedures, available appeals, civil law remedies

When to notify: Beginning of each school year
Education or other legal code: 49063
Board Policy/Administrative Regulation: AR 5125, AR 5125.3
Subject: Challenge, review, and expunging of records

When to notify: Beginning of each school year
Education or other legal code: 49063, 49069; 20 USC 1232g; 34 CFR 99.7
Board Policy/Administrative Regulation: AR 5125
Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability

When to notify: Beginning of each school year
Education or other legal code: 49063, 49073; 20 USC 1232g; 34 CFR 99.37
Board Policy/Administrative Regulation: AR 5125.1
Subject: Release of directory information

When to notify: Beginning of each school year
Education or other legal code: 49520, 48980; 42 USC 1758; 7 CFR 245.5
Board Policy/Administrative Regulation: AR 3553
Subject: Free and reduced price meals

When to notify: Beginning of each school year
Education or other legal code: 56301
Board Policy/Administrative Regulation: BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to notify: Beginning of each school year
Education or other legal code: 58501, 48980
Board Policy/Administrative Regulation: AR 6181
Subject: Alternative schools

When to notify: Beginning of each school year
Education or other legal code: Health and Safety Code 104855
Board Policy/Administrative Regulation: AR 5141.6
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When to notify: Annually
Education or other legal code: 5 CCR 4622
Board Policy/Administrative Regulation: AR 1312.3
Subject: Uniform complaint procedures, available appeals, civil law remedies, and identity of coordinator

When to notify: Beginning of each school year
Education or other legal code: 20 USC 1232h
AR 5022, BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities

When to notify: Beginning of each school year, if district receives Title I funds

Education or other legal code: 20 USC 6311; 34 CFR 200.61
Board Policy/Administrative Regulation: AR 4112.24, AR 4222
Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional

When to notify: Beginning of each school year, if district schools have been identified for ~~program~~ program improvement or corrective action
Education or other legal code: 20 USC 6316
Board Policy/Administrative Regulation: AR 0520.2
Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to notify: Beginning of each school year
Education or other legal code: 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation: BP 0410, BP 6178
Subject: Nondiscrimination

When to notify: Annually to parent, teacher, and employee organizations or, in their absence, individuals
Education or other legal code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

II. At Specific Times During the Student's Academic Career

When to notify: Beginning in grade 7, at least once prior to course selection and career counseling
Education or other legal code: 221.5, 48980
Board Policy/Administrative Regulation: AR 6164.2
Subject: Course selection and selection and career counseling

When to notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education or other legal code: 32390, 48980
Board Policy/Administrative Regulation: AR 5142.1
Subject: Fingerprinting program

When to notify: Upon registration in K-6, if students have not previously been transported
Education or other legal code: 39831.5
Board Policy/Administrative Regulation: AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to notify: Beginning of each school year for high school students, if high school is open campus

Education or other legal code: 44808.5, 48980

Board Policy/Administrative Regulation: AR 5112.5

Subject: Open campus

When to notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement

Education or other legal code: 48980, 51225.3

Board Policy/Administrative Regulation: AR 6146.1

Subject: How each high school graduation requirement does or does not satisfy college entrance a-g course criteria; list of district CTE courses that satisfy a-g course criteria

When to notify: Beginning of each school year, for high school students

Education or other legal code: 48980, 52244

Board Policy/Administrative Regulation: AR 6141.5

Subject: Availability of state funds to cover costs of advanced placement exam fees

When to notify: Beginning of each school year in grades 9-12 and when high school student transfers into the district

Education or other legal code: 48980, 60850

Board Policy/Administrative Regulation: AR 6162.52

Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to notify: When students entering grade 7

Education or other legal code: 49452.7

Board Policy/Administrative Regulation: AR 5141.3

Subject: Specified information on type 2 diabetes

When to notify: When in kindergarten, or first grade if not previously enrolled in public school

Education or other legal code: 49452.8

Board Policy/Administrative Regulation: AR 5141.32

Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to notify: Beginning of each school year for students in grades 9-12

Education or other legal code: 51229, 48980
Board Policy/Administrative Regulation: AR 6143
Subject: College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

When to notify: Beginning of each school year for students in grades 7-12
Education or other legal code: 51938, 48980
Board Policy/Administrative Regulation: AR 6142.1
Subject: Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse

When to notify: Within 20 working days of receiving results of standardized achievement tests
Education or other legal code: 60641; 5 CCR 863
Board Policy/Administrative Regulation: AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When to notify: When child is enrolled in kindergarten
Education or other legal code: Health & Safety Code 124100
Board Policy/Administrative Regulation: AR 5141.32
Subject: Health screening examination

When to notify: To students in grades 11-12, early enough to enable registration for fall test
Education or other legal code: 5 CCR 11523
Board Policy/Administrative Regulation: AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to notify: To secondary students, if district receives Title I funds
Education or other legal code: 20 USC 7908
Board Policy/Administrative Regulation: AR 5125.1
Subject: Notice that parents may request district to not release name, address, phone number of child to military recruiters without prior written consent

III. When Special Circumstances Occur

When to notify: When student has been placed in structured English immersion program
Education or other legal code: 310-311, 5 CCR 11309
Board Policy/Administrative Regulation: AR 6174

Subject: Placement of child in program and opportunity to apply for parental exception waiver, other rights of student relative to such placements

When to notify: When determining whether an English learner should be reclassified as fluent English proficient

Education or other legal code: 313; 5 CCR 11303

Board Policy/Administrative Regulation: AR 6174

Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to notify: When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year

Education or other legal code: 440; 20 USC 7012

Board Policy/Administrative Regulation: AR 6174

Subject: Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program

When to notify: Before high school student attends specialized secondary program on a university campus

Education or other legal code: 17288

Board Policy/Administrative Regulation: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to notify: At least 72 hours before use of pesticide product use of pesticide product not included in annual list

Education or other legal code: 17612

Board Policy/Administrative Regulation: AR 3514.2

Subject: Intended use of pesticide product

When to notify: To members of athletic teams

Education or other legal code: 32221.5

Board Policy/Administrative Regulation: AR 5143

Subject: Offer of insurance; no-cost and low-cost program options

If school has lost its WASC accreditation status

Education or other legal code: 35178.4

Board Policy/Administrative Regulation: BP 6190

Subject: Loss of status, potential consequences

When to notify: At least six months before implementing a schoolwide uniform policy
Education or other legal code: 35183
Board Policy/Administrative Regulation: AR 5132
Subject: Dress code policy requiring schoolwide uniform

When to notify: Beginning of each term, when student has not passed the exit exam by the end of grade 12
Education or other legal code: 37254
Board Policy/Administrative Regulation AR 6179
Subject: Availability of intensive instruction and services for two consecutive academic years and right to file complaint

When to notify: Before implementing a year-round schedule
Education or other legal code: 37616
Board Policy/Administrative Regulation: BP 6117
Subject: Year-round schedule

When to notify: When interdistrict transfer is requested and not approved or denied within 30 days
Education or other legal code: 46601
Board Policy/Administrative Regulation: AR 5117
Subject: Appeal process

When to notify: Before early entry to kindergarten, if offered
Education or other legal code: 48000
Board Policy/Administrative Regulation: AR 5111
Subject: Effects, advantages and disadvantages of early entry

When to notify: When student identified as being at risk of retention
Education or other legal code: 48070.5
Board Policy/Administrative Regulation: AR 5123
Subject: Student at risk of retention

When to notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or other legal code: 48213
Board Policy/Administrative Regulation: AR 5112.2, BP 5141.33
Subject: Student has been excluded from school

When to notify: Before student is excluded for lack of immunization

Education or other legal code: 48216; 17 CCR 6040

Board Policy/Administrative Regulation: AR 5141.31

Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to notify: When a student is classified a truant

Education or other legal code: 48260.5, 48262

Board Policy/Administrative Regulation: AR 5113.1

Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to notify: When a truant is referred to a SARB or probation department

Education or other legal code: 48263

Board Policy/Administrative Regulation: AR 5113.1

Subject: Name and address of SARB or probation department and reason for referral

When to notify: When a school is identified on the state's Open Enrollment List

Education or other legal code: 48354; 5 CCR 4702

Board Policy/Administrative Regulation: AR 5118

Subject: Student's option to transfer to another school

When to notify: Within 60 days of receiving application for transfer out of open enrollment school

Education or other legal code: 48357; 5 CCR 4702

Board Policy/Administrative Regulation: AR 5118

Subject: Whether student's transfer application is accepted or rejected; reasons for rejection

When to notify: Prior to involuntary transfer prior to continuation school

Education or other legal code: 48432.5

Board Policy/Administrative Regulation: AR 6184

Subject: Right to require meeting to involuntary transfer to continuation school

When to notify: When student is removed from class and teacher requires parental attendance at school

Education or other legal code: 48900.1

Board Policy/Administrative Regulation: BP 5144.1, AR 5144.1

Subject: Parental attendance required; timeline for attendance

When to notify: Prior to withholding grades, diplomas, or transcripts
Education or other legal code: 48904
Board Policy/Administrative Regulation: AR 5125.2
Subject: Damaged school property

When to notify: When withholding grades, diplomas or transcripts from transferring student
Education or other legal code: 48904.3
Board Policy/Administrative Regulation: AR 5125.2
Subject: Next school will continue withholding grades, diplomas, or transcripts

When to notify: When student is released to peace officer
Education or other legal code: 48906
Board Policy/Administrative Regulation: BP 5145.11
Subject: Release of student to peace officer

When to notify: At time of suspension
Education or other legal code: 48911
Board Policy/Administrative Regulation: BP 5144.1, AR 5144.1
Subject: Notice of suspension

When to notify: When original period of suspension is extended
Education or other legal code: 48911
Board Policy/Administrative Regulation: AR 5144.1
Subject: Extension of suspension

When to notify: At the time a student is assigned to a supervised suspension classroom
Education or other legal code: 48911.1
Board Policy/Administrative Regulation: AR 5144.1
Subject: The student's assignment to a supervised classroom

When to notify: Before holding a closed session re: suspension
Education or other legal code: 48912
Board Policy/Administrative Regulation: AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to notify: When student expelled from another district for certain acts seeks admission

Education or other legal code: 48915.1, 48918
Board Policy/Administrative Regulation: BP 5119
Subject: Hearing re: possible danger presented by expelled student

When to notify: When readmission is denied
Education or other legal code: 48916
Board Policy/Administrative Regulation: AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to notify: When expulsion occurs
Education or other legal code: 48916
Board Policy/Administrative Regulation: AR 5144.1
Subject: Description of readmission procedures

When to notify: 10 calendar days before expulsion hearing
Education or other legal code: 48918
Board Policy/Administrative Regulation: AR 5144.1
Subject: Notice of expulsion hearing

When to notify: When expulsion or suspension of expulsion occurs
Education or other legal code: 48918
Board Policy/Administrative Regulation: AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to notify: One month before the scheduled minimum day
Education or other legal code: 48980
Board Policy/Administrative Regulation: BP 6111
Subject: When minimum days scheduled after beginning of the school year

When to notify: When parents request guidelines for filing complaint of child abuse at a school site
Education or other legal code: 48987
Board Policy/Administrative Regulation: AR 5141.4
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When student in danger of failing a course

Education or other legal code: 49067
Board Policy/Administrative Regulation: AR 5121
Subject: Student in danger of failing a course

When student transfers from another district or private school
Education or other legal code: 49068
Board Policy/Administrative Regulation: AR 5125
Subject: Right to receive copy of student's record and to challenge its content

When to notify: Within 24 hours of release of information to a judge or probation officer
Education or other legal code: 49076
Board Policy/Administrative Regulation: AR 5125
Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to notify: Before release of information pursuant to court order or subpoena
Education or other legal code: 49077
Board Policy/Administrative Regulation: AR 5125
Subject: Release of information pursuant to court order or subpoena

When to notify: When screening results in suspicion that student has scoliosis
Education or other legal code: 49452.5
Board Policy/Administrative Regulation: AR 5141.3
Subject: Scoliosis screening

When to notify: When test results in discovery of visual or hearing defects
Education or other legal code: 49456
Board Policy/Administrative Regulation: AR 5141.3
Subject: Vision or hearing test

When to notify: Annually to parents/guardians of student athletes before their first practice or competition
Education or other legal code: 49475
Board Policy/Administrative Regulation: AR 6145.2
Subject: Information on concussions and head injuries

When to notify: Before any test questioning personal beliefs
Education or other legal code: 51513

Board Policy/Administrative Regulation: AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year
Education or other legal code: 51938
Board Policy/Administrative Regulation: AR 6142.1
Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to notify: Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or other legal code: 51938
Board Policy/Administrative Regulation: AR 5022
Subject: Notice that the survey will be administered

When to notify: 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or other legal code: 52164.1, 52164.3, 5 CCR 11511.5
Board Policy/Administrative Regulation: AR 6174
Subject: Result of state test of English proficiency

When to notify: When migrant education program is established
Education or other legal code: 54444.2
Board Policy/Administrative Regulation: BP 6175, AR 6175
Subject: Parent advisory council membership composition

When to notify: When child participates in licensed child care and development program
Education or other legal code: Health & Safety Code 1596.857
Board Policy/Administrative Regulation: AR 5148
Subject: Parent right to enter facility

When to notify: When sharing student immunization information with an immunization system
Education or other legal code: Health & Safety Code 120440
Board Policy/Administrative Regulation: AR 5125
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When to notify: When hearing is requested by person asked to leave school premises

Education or other legal code: Penal Code 627.5
Board Policy/Administrative Regulation: AR 3515.2
Subject: Notice of hearing

When to notify: Prior to student participation in gifted and talented program
Education or other legal code: 5 CCR 3831
Board Policy/Administrative Regulation: AR 6172
Subject: Gifted and talented student program

When to notify: When providing written decision in response to a complaint re: discrimination; special education, or noncompliance with law regulating educational programs
Education or other legal code: 5 CCR 4631
Board Policy/Administrative Regulation: AR 1312.3
Subject: Appeal rights and procedures

When to notify: Within 30 calendar days of receipt of CELDT results
Education or other legal code: 5 CCR 11511.5
Board Policy/Administrative Regulation: AR 6174
Subject: CELDT test results

When to notify: When child participates in licensed child care and development program
Education or other legal code: 5 CCR 18066
Board Policy/Administrative Regulation: AR 5148
Subject: Policies re: unexcused absences

When to notify: When district substantively changes policy on student privacy rights
Education or other legal code: 20 USC 1232h
Board Policy/Administrative Regulation: AR 5022
Subject: Notice of any substantive change in policy or regulation

When to notify: For districts receiving Title I funds, when child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"
Education or other legal code: 20 USC 6311
Board Policy/Administrative Regulation: AR 4112.24
Subject: Timely notice to parent of child's assignment

When to notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

Education or other legal code: 20 USC 6312
Board Policy/Administrative Regulation: AR 0520.2
Subject: Notice of failure to parents of English language learners

When to notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners
Education or other legal code: 20 USC 6312
Board Policy/Administrative Regulation: AR 6174
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to notify: When school identified for program improvement or corrective action
Education or other legal code: 20 USC 6316
Board Policy/Administrative Regulation: AR 0520.2, AR 5116.1
Subject: Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to notify: When district identified for program improvement
Education or other legal code: 20 USC 6316
Board Policy/Administrative Regulation: AR 0520.3
Subject: Explanation status, reasons for identification, how parents can participate in upgrading district

When to notify: For schools receiving Title I funds, upon development of parent involvement policy
Education or other legal code: 20 USC 6318
Board Policy/Administrative Regulation: AR 6020
Subject: Notice of policy

When to notify: For districts receiving Title III funds, within 30 days of the release of state Title III accountability report
Education or other legal code: 20 USC 7012
Board Policy/Administrative Regulation: AR 6174
Subject: Notification of any failure to make progress on state's annual measurable achievement objectives for English learners

When to notify: When household is selected for verification of eligibility for free or reduced-price meals
Education or other legal code: 42 USC 1758; 7 CFR 245.6a
Board Policy/Administrative Regulation: AR 3553

Subject: Notice of need to submit verification information; any subsequent change in benefits; right to appeal

When to notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30

Education or other legal code: 34 CFR 99.34

Board Policy/Administrative Regulation: AR 5125

Subject: Right to review records

IV. Special Education Notices

When to notify: Prior to conducting initial evaluation

Education or other legal code: 56301, 56321, 56321.5, 56321.6, 56329; 34 CFR 300.502

Board Policy/serious property damage

Education or other legal code: 5 CCR 3052

Board Policy/Administrative Regulation: AR 6159.4

Subject: Emergency intervention

When to notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services

Education or other legal code: 20 USC 1415(e); 34 CFR 300.300, 300.503

Board Policy/Administrative Regulation: AR 6159, AR 6159.1

Subject: Prior written notice

When to notify: Initial referral for evaluation

Education or other legal code: 20 USC 1415(d); 34 CFR 300.503

Board Policy/Administrative Regulation: AR 6159.1

Subject: Prior written notice and procedural safeguards notice

When to notify: Registration of complaint

Education or other legal code: 20 USC 1415(d); 34 CFR 300.504

Board Policy/Administrative Regulation: AR 6159.1

Subject: Procedural safeguards notice

When to notify: Disciplinary action taken for dangerous behavior

Education or other legal code: 20 USC 1415(k); 34 CFR 300.530

Board Policy/Administrative Regulation: AR 5144.2

Subject: Decision and procedural safeguards notice

When to notify: Suspension or change of placement for more than 10 days
Education or other legal code: 20 USC 1415(k); 34 CFR 300.530
Board Policy/Administrative Regulation: AR 5144.2
Subject: Decision and procedural safeguards notice

When to notify: Upon requesting a due process hearing
Education or other legal code: 20 USC 1415(k); 34 CFR 300.508
Board Policy/Administrative Regulation: AR 6159.1
Subject: Child's name, address, school, description of problem, proposed resolution

When to notify: Eligibility for services under Section 504
Education or other legal code: 34 CFR 104.32, 104.36
Board Policy/Administrative Regulation: AR 6164.6
Subject: District responsibilities, district actions, procedural safeguards

V. Classroom Notices

When to notify: In each classroom in each school
Education or other legal code: 35186
Board Policy/Administrative Regulation: AR/E 1312.4
Subject: Complaint rights re: sufficiency of instructional materials, teacher vacancy and misassignment, maintenance of facilities, and, for classrooms with grades 10-12, right of students who did not pass exit exam to receive intensive instruction after grade 12

(3/11 3/12) 4/13

CSBA Sample

Board Policy

Married/Pregnant/Parenting Students

BP 5146
Students

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

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 provide instruction and services designed to assist in pregnancy prevention. The Board also desires to support male and female expectant and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

(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)

Note: Title IX (20 USC 1681-1688) forbids gender discrimination in any school receiving federal assistance. No school may deny participation in a class or extracurricular activity because of a student's pregnancy, childbirth, false pregnancy, abortion, parenthood or marital status unless the student requests to participate in a separate portion of the program or activity. The school cannot require a student to take a course or participate in special programs or schools for expectant and parenting students; student participation must be voluntary and such programs or schools must be comparable to programs and schools offered to other students.

***Note: In addition, under 34 CFR 106.40, a school may not require a physician's certificate from a pregnant student unless the school imposes the same requirement on all other students with physical or emotional conditions requiring a physician's care. Pregnancy must be treated as

any other medical condition or "temporary disability" with regards to health plans, medical benefits and related services.***

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

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

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 6145 - Extracurricular and Cocurricular Activities)

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

Expectant and Parenting Students

***Note: Education Code 54740-54749.5 establishes the California School Age Families Education (Cal-SAFE) program. AB 1818 (Ch. 1168, Statutes of 2002) amended Education Code 54743 and 54745-54747 to extend eligibility to male students who voluntarily identify themselves as the parent of an unborn child, as well as pregnant female students, parenting students and their children. ***

***Note: Pursuant to Education Code 54745, as amended, a district applying for a Cal-SAFE grant is mandated to adopt a policy or resolution declaring its commitment to provide a comprehensive, continuous, community-linked program for expectant and parenting students and their children that reflects the cultural and linguistic diversity of the community. The following section fulfills this mandate and reflects the goals and purposes of this program. The following section is optional for districts not receiving Cal-SAFE grants. ***

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

(cf. 1020 - Youth Services)

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

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

(cf. 6158 - Independent Study)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6200 - Adult Education)

In addition to providing a quality education program for expectant and parenting students, the district's program shall provide parenting education and life skills instruction, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site for the children of enrolled students. The district's program may provide other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children. (Education Code 54745)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5141.6 - School Health Services)
(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 6164.2 - Guidance/Counseling Services)

Pregnancy Prevention Program

Note: The following optional section may be deleted or revised as desired to reflect district practice.

The Superintendent or designee shall ensure that age-appropriate, culturally sensitive and community-sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The district's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth. Instruction shall be consistent with the district's family life/sex education curriculum.

(cf. 5141.25 - Availability of Condoms)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

Legal Reference:

EDUCATION CODE

2551.3 Determination of state aid for pregnant minors program
17293 School facilities for pregnant/parenting teen programs
48220 Compulsory education requirement
48410 Persons exempted from continuation classes
49553 Nutrition supplements for pregnant/lactating students
49558 Confidentiality of applications and records for free or reduced price meals

51220.5 Parenting skills and education
51745 Independent study
52610.5 Enrollment of pregnant and parenting students in adult education
54740-54749.5 California School Age Families Education Program (Cal-SAFE)

FAMILY CODE

7002 Description of emancipated minor
7050 Purposes for which emancipated minor considered an adult

HEALTH AND SAFETY CODE

124175-124200 Adolescent and Family Life Act

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
106.40 Marital or parental status

Management Resources:

CDE PUBLICATIONS

Pregnant and Parenting Students: A Report to the Legislature, April 1996

SBE POLICIES

Policy statement on adolescent pregnancy and parenting, July 9, 1993

WEB SITES

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

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

Department of Social Services: <http://www.dss.ca.gov>

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CSBA Sample

Administrative Regulation

Married/Pregnant/Parenting Students

AR 5146
Students

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect these requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also, see BP 2210-Administrative Discretion Regarding Board Policy.

The Superintendent or designee may grant a student a leave of absence due to pregnancy, childbirth or abortion for as long as it is deemed medically necessary. 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 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)

Cal-SAFE Program

Note: The following section reflects requirements of the California School Age Families Education (Cal-SAFE) program for expectant and parenting students (Education Code 54740-54749.5). The following section is optional for districts not receiving Cal-SAFE grants.

***Note: AB 1818 (Ch. 1168, Statutes of 2002) amended Education Code 54747 to clarify that a student with an IEP is eligible only if he/she is also an expectant parent, custodial parent, or noncustodial parent taking an active role in the care and supervision of the child, and has not earned a high school diploma or its equivalent. ***

A male or female student shall be eligible to enroll in the district's California School Age Families Education (Cal-SAFE) program if he/she: (Education Code 54747, 56026)

1. Is an expectant parent, custodial parent, or noncustodial parent taking an active role in the care and supervision of the child
2. Has not earned a high school diploma or its equivalent
3. Meets one of the following additional conditions:
 - a. Is age 18 years of age or younger.
 - b. Is age 19 and has been continuously enrolled in the program since before his/her 19th birthday. Such a student may be enrolled in the program for one additional semester.
 - c. The student is below age 22 and has an active individualized education plan.

(cf. 6159 - Individualized Education Program)

Students shall be enrolled in the program on an open-entry and open-exit basis. (Education Code 54745)

A student shall not be denied initial or continuous enrollment because of having had multiple pregnancies, more than one child, or a change in eligibility status from expectant to parenting. (Education Code 54747)

No fees shall be charged to students or their families for services provided through the district's Cal-SAFE program. (Education Code 54745)

(cf. 3260 - Fees and Charges)

The Superintendent or designee shall complete an intake procedure regarding each student upon entry into the program, and periodically thereafter as necessary, to determine appropriate levels and types of services to be provided. (Education Code 54746)

The Superintendent or designee shall provide staff development and conduct community outreach in order to establish a positive learning environment and supportive school policies. (Education Code 54745)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall participate in the development of the county service coordination plan for providing educational and related support services to expectant and

parenting teens and their children. He/she also shall participate in data collection and evaluation of the program. (Education Code 54744, 54745)

(cf. 5148.1 - Child Care Services for Parenting Students)

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 9000 - Role of the Board)

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MESA UNION SCHOOL DISTRICT

CLASS TITLE: Student Supervisor

BASIC FUNCTION: Under the general direction of an assigned supervisor, supervises all activities of students before school, after school, and at specific functions or events.

REPRESENTATIVE DUTIES:

Supervises and protects the health, safety and conduct of students during an assigned period in the cafeteria, playground or other similar areas. Assists students in observing courtesies and rules of safety during assigned functions. Provides supervision of students when boarding and leaving busses. Performs related duties as directed.

KNOWLEDGE OF:

Methods of maintaining student discipline

General needs and behavior of children

The need for school grounds to be safe, clean, and orderly

Health and safety regulations

First aid techniques and practices

Anti-bullying policies and appropriate responses and preventative measures

ABILITY TO:

Deal effectively with students during conflict and non-conflict situations.

Administer proper student discipline procedures.

React calmly under stressful situations and emergencies.

Demonstrate patience and courtesy.

Understand and follow oral and written directions, regulations, policies and procedures.

Work cooperatively with others and independently as needed.

Communicate clearly both orally and in writing.

Write and print legibly.

EDUCATION AND EXPERIENCE:

High School diploma or equivalent is desirable. The equivalent of one (1) year of training and/or experience sufficient to demonstrate the knowledge and abilities listed above is preferred.

LICENSE: Possession of a valid, California driver's license.

SALARY:

Classified Salary Schedule R2-002

Approved:

Mesa Union School District
Somis, California