

# **BELLFLOWER UNIFIED SD**

POLICIES

REGULATIONS

BYLAWS

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0. Vision .....	0000	BP
1. Philosophy.....	0100	BP
2. Goals for the School District.....	0200	BP
3. Objectives/Goal Indicators for School District .....	0300	
4. Comprehensive Plans .....	0400	
A. Nondiscrimination in District Programs and Activities .....	0410	BP
B. School Plans/Site Councils .....	0420	BP
1. School-Based Program Coordination .....	0420.1	BP
2. School Improvement Program.....	0420.2	
3. [Future Topic].....	0420.3	
4. Charter School Authorization .....	0420.4	
a. Charter School Oversight .....	0420.41	
b. Charter School Renewal.....	0420.42	
c. Charter School Revocation.....	0420.43	
5. School-Based Decision Making .....	0420.5	
C. Comprehensive Local Plan for Special Education.....	0430	BP
D. District Technology Plan .....	0440	BP
E. Comprehensive Safety Plan .....	0450	BP
5. Accountability .....	0500	BP
A. School Accountability Report Card .....	0510	
B. Intervention for Underperforming Schools .....	0520	
C. High Priority Schools Grant Program.....	0520.1	
D. Title I Program Improvement Schools .....	0520.2	BP
E. Title I Program Improvement Districts .....	0520.3	BP
Education Investment Schools.....	0520.4	

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.	Concepts and Roles .....	1000 BP
A.	Goals and Objectives .....	1010
B.	Youth Services .....	1020
1.	Communication with the Public .....	1100
A.	Media .....	1110
1.	School-Sponsored Publications .....	1111
2.	Media Relations .....	1112
3.	District and School Web Sites .....	1113 BP
4.	District-Sponsored Social Media .....	1114
B.	Formal Staff Development, Board Closed/Study Session, and Recognition Ceremony Expenses .....	1150 BP
C.	Political Processes .....	1160 BP
2.	Participation by the Public .....	1200
A.	Community Relations-Community/Parental Support Groups .....	1210 BP
1.	Parent-Teacher Associations .....	1210.1 BP
2.	Student Picture Services-Elementary/Secondary .....	1210.2 BP
B.	Citizen Advisory Committees .....	1220 BP
C.	School Support Groups/Booster Clubs .....	1230 BP
D.	Volunteer Assistance .....	1240 BP
E.	Visitors/Outsiders .....	1250 BP
F.	Educational Foundation .....	1260 BP
3.	Public Activities Involving Staff, Students or School Facilities .....	1300
A.	Relations between Public and the Schools .....	1310
1.	Complaints Concerning the Schools .....	1312
a.	Complaints Concerning District Employees .....	1312.1 BP
b.	Complaints Concerning Instructional Materials .....	1312.2 BP
c.	Uniform Complaint Procedures .....	1312.3 BP
d.	Williams Uniform Complaint Procedures .....	1312.4
B.	Relations between Public and Students .....	1320
1.	Solicitation of Funds from and by Students .....	1321 BP
2.	Advertising and Promotion .....	1325 BP
C.	Use of School Facilities .....	1330 BP
1.	Joint Use Agreements .....	1330.1
D.	Access to District Records .....	1340 BP
4.	Relations Between Other Governmental Agencies and the Schools .....	1400 BP
A.	Local Agencies .....	1410
B.	State Agencies .....	1430
1.	Waivers .....	1431 BP
C.	Federal Agencies .....	1440
5.	Relations Between Area, County, State, Regional and National Associations and the Schools .....	1500
6.	Relations Between Other Education Organizations and the Schools .....	1600

COMMUNITY RELATIONS  
-continued-

	CODE	
A.	Colleges and Universities .....	1610
B.	Elementary and Secondary Schools .....	1620
1.	Home-Based Schooling .....	1621
7.	Relations Between Private Industry and the Schools .....	1700

BP

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.		Concepts and Roles ..... 2000 BP
A.		Goals and Objectives ..... 2010
1.		Superintendent of Schools..... 2100 BB
A.		Superintendent Responsibilities and Duties..... 2110 BP
1.		Superintendent's Responsibilities for Curriculum and Instruction..... 2110.1 BP
2.		Superintendent's Responsibilities for Students ..... 2110.2 BP
3.		Superintendent's Responsibilities for Personnel ..... 2110.3 BP
4.		Superintendent's Responsibilities for Finance ..... 2110.4 BP
5.		Superintendent's Responsibilities for School Operations ..... 2110.5 BP
6.		Superintendent's Responsibilities for Communication ..... 2110.6 BP
7.		Superintendent Governance Standards ..... 2111 BP
B.		Superintendent Recruitment and Selection ..... 2120
7.		Employment of Superintendent of Schools ..... 2121 BP
C.		Professional Development ..... 2130
D.		Evaluation of the Superintendent ..... 2140 BP
2.		Administrative Operations ..... 2200
A.		Administrative Discretion Regarding Board Policy..... 2210 BP
B.		[Future Topic] ..... 2220
C.		Representative and Deliberative Groups..... 2230
D.		Management and Communication Systems ..... 2240
E.		Teacher-in-Charge/Principal's Designee ..... 2250

ARTICLE 3 BUSINESS & NONINSTRUCTIONAL OPERATIONS (Series 3000)

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.	Concepts and Roles .....	3000
A.	Roles in Business and Non-Instructional Operations.....	3002 BP
B.	Goals and Objectives .....	3010
1.	Budget.....	3100 BP
A.	Transfer of Funds .....	3110 BP
B.	Deferred Maintenance Funds .....	3111 BP
2.	Income.....	3200
A.	Local Funds.....	3210
B.	State Funds.....	3220
1.	Lottery Funds.....	3220.1 BP
2.	Instructional Improvement Funds.....	3220.2
C.	Federal Funds.....	3230
D.	Tuition Fees .....	3240
E.	Transportation Fees.....	3250
F.	Fees and Charges .....	3260 BP
1.	Rental of District Personal Property .....	3261
G.	Sale and Disposal of Books, Equipment and Supplies.....	3270 BP
1.	Leases and Agreements .....	3280 BP
I.	Gifts, Grants and Bequests.....	3290 BP
3.	Purchasing Procedures .....	3300 BP
A.	Purchasing.....	3310
1.	Bids.....	3311 BP
2.	Contracts.....	3312 BP
a.	State Contract/Cooperative Purchasing .....	3312.1
b.	Educational Travel Program Contracts .....	3312.2
c.	Sale or Lease of District-Owned Real Property .....	3313
4.	Payment for Goods and Services .....	3314 BP
a.	Signatures/Facsimiles.....	3314.1
b.	Revolving Funds .....	3314.2
c.	Revolving Cash Fund Account.....	3314.3 BP
5.	Purchasing and Returning Goods and Services (Requisitions).....	3315 BP
a.	Minority and Women's Businesses.....	3315.1
B.	Claims and Actions Against the District.....	3320
C.	Rental/Long-Term Leasing .....	3340
1.	Purchase, Lease, Rental of Neighboring District-Owned Property .....	3341
D.	Travel and Conference.....	3350 BP
4.	Management of District Assets/Accounts .....	3400 BP
A.	Depository.....	3410
B.	Borrowing .....	3420

ARTICLE 3 BUSINESS & NONINSTRUCTIONAL OPERATIONS (Series 3000)

-continued-

	CODE	
C.	Investing .....	3430 BP
D.	Inventory of Equipment and Supplies.....	3440 BP
E.	Money in School Buildings .....	3450 BP
1.	Petty Cash Funds .....	3451
2.	Student Activity Funds .....	3452 BP
F.	Financial Reports and Accountability.....	3460 BP
5.	Noninstructional Operations .....	3500
A.	Facilities-Maintenance and Operations.....	3505 BP
1.	Green School Operations .....	3510
2.	Energy and Water Management .....	3511 BP
a.	Integrated Waste Management.....	3511.1 BP
3.	Equipment.....	3512
4.	Buildings and Grounds .....	3513
a.	Cellular Phone Reimbursement.....	3513.1 BP
b.	Facilities: Parking and Bikeways on School Property.....	3513.2 BP
c.	Tobacco-Free Schools/Smoking.....	3513.3 BP
5.	Safety.....	3514 BP
a.	Hazardous Substances .....	3514.1 BP
b.	Integrated Pest Management .....	3514.2
6.	Campus Security.....	3515 BP
a.	Crime Data Reporting .....	3515.1
b.	Disruptions .....	3515.2
c.	District Police/Security Department.....	3515.3
d.	Recovery for Property Loss or Damage .....	3515.4 BP
e.	Sex Offender Notification .....	3515.5
f.	Criminal Background Checks for Contractors .....	3515.6
7.	Emergency Procedures .....	3516 BP
a.	Fire Drills and Fires.....	3516.1
b.	Bomb Threats .....	3516.2
c.	Earthquake Emergency Procedure System.....	3516.3
d.	Air Pollution.....	3516.4 BP
e.	Emergency Schedules.....	3516.5
8.	Facilities Inspection.....	3517
B.	Office Services.....	3520
1.	Data Processing/Word Processing .....	3521
2.	Mail and Delivery .....	3522
C.	Risk Management/Insurance.....	3530
D.	Transportation.....	3540 BP
1.	Transportation Routes and Services .....	3541 BP
a.	Transportation for School-Related Trips.....	3541.1 BP
b.	Transportation for Students with Disabilities.....	3541.2 BP
c.	Nonpublic School Students .....	3541.3
d.	Transportation for Special Groups .....	3541.4
2.	Bus Driver's Authority.....	3542 BP
3.	Transportation Safety and Emergencies .....	3543
4.	Equipment.....	3544
a.	District-Owned.....	3544.1
b.	Privately Owned.....	3544.2

ARTICLE 3 BUSINESS & NONINSTRUCTIONAL OPERATIONS (Series 3000)

-continued-

		CODE
	c. Daily Inspection and Reports by Drivers .....	3546
	d. Bus Service and Maintenance - Standards and Report .....	3547
E.	Food Service/Child Nutrition Program .....	3550
	1. Food Service Operations/Cafeteria Fund.....	3551 BP
	2. Summer Meal Program.....	3552 BP
	3. Free and Reduced Price Meals .....	3553 BP
	4. Other Food Sales .....	3554 BP
	5. Nutrition Program Compliance.....	3555 BP
F.	Debt Service.....	3560
G.	Capital Outlay .....	3570
H.	District Records .....	3580
6.	Contract for Personal Consulting Services.....	3600 BP



NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE		
0.	Concepts and Roles .....	4000	
A.	Goals and Objectives .....	4010	
B.	Drug and Alcohol-Free Workplace .....	4020	BP
C.	Nondiscrimination in Employment .....	4030	BP
	1. Complaints Concerning Discrimination in Employment .....	4031	
	2. Reasonable Accommodation .....	4032	
	3. Lactation Accommodation .....	4033	
D.	Employee Use of Technology .....	4040	BP
1.	Certificated Personnel .....	4100	
A.	Permanent/Probationary .....	4110	
	1. Recruitment and Selection .....	4111	BP
	a. [Future Topic] .....	4111.1	
	b. Legal Status Requirement .....	4111.2	
	2. Appointment and Conditions of Employment .....	4112	
	a. Contracts .....	4112.1	
	b. Certification .....	4112.2	
	(1) Interns .....	4112.21	
	(2) Staff Teaching English Language Learners .....	4112.22	
	(3) Employment/Termination of Head Start Personnel .....	4112.23	BP
	(4) Teacher Qualifications Under the No Child Left Behind Act .....	4112.24	
	c. Oath or Affirmation .....	4112.3	
	d. Health Requirements - Classified/Certificated .....	4112.4	BP
	(1) Pre-Employment Testing - Controlled Substances .....	4112.41	BP
	(2) Drug and Alcohol Testing for School Bus Drivers .....	4112.42	
	e. Criminal Record Check .....	4112.5	
	f. Personnel Files .....	4112.6	BP
	(1) Employment References .....	4112.61	
	(2) Maintenance of Criminal Offender Records .....	4112.62	
	g. Orientation .....	4112.7	
	h. Employment of Relatives .....	4112.8	
	i. Employee Notifications .....	4112.9	
	3. Assignment of Personnel .....	4113	BP
	a. Load/Scheduling/Hours of Employment .....	4113.1	
	b. Promotion - Certificated .....	4113.2	BP
	c. Work Year .....	4113.3	
	d. Temporary Modified/Light-Duty Assignment .....	4113.4	
	4. Transfers .....	4114	
	5. Evaluation of Probationary Certificated Personnel .....	4115	BP
	6. Probationary/Permanent Status .....	4116	
	a. Seniority .....	4116.1	

PERSONNEL  
 -continued-

	CODE	
7.	4117	Separation .....
a.	4117.1	Retirement .....
(1)	4117.11	Preretirement Part-Time Employment .....
(2)	4117.12	[Future Topic] .....
(3)	4117.13	Early Retirement Option .....
(4)	4117.14	Postretirement Employment .....
b.	4117.2	Separation from Service - Certificated Employees .....
c.	4117.3	Personnel Reduction .....
d.	4117.4	Dismissal .....
e.	4117.5	Termination Agreements .....
f.	4117.6	Decision Not to Rehire .....
g.	4117.7	Employment Status Reports .....
8.	4118	Suspension/Disciplinary Action .....
9.	4119	Rights, Responsibilities and Duties .....
a.	4119.1	Civil and Legal Rights .....
(1)	4119.11	Sexual Harassment .....
b.	4119.2	Professional Responsibilities .....
(1)	4119.21	Professional Standards .....
(2)	4119.22	Dress and Grooming .....
(3)	4119.23	Unauthorized Release of Confidential/ Privileged Information .....
(4)	4119.24	Academic Freedom .....
(5)	4119.25	Political Activities of Employees .....
c.	4119.3	Duties of Personnel .....
d.	4119.4	Infectious Disease .....
(1)	4119.41	Employees with Infectious Disease .....
(2)	4119.42	Exposure Control Plan for Bloodborne Pathogens .....
(3)	4119.43	Universal Precautions .....
B.	4120	Other Certificated Personnel .....
1.	4121	Substitute Teachers .....
2.	4122	Student Teachers .....
3.	4123	Home Teachers .....
4.	4124	Summer School Teachers .....
5.	4125	Adult Education Teachers .....
6.	4127	Temporary Athletic Team Coaches .....
C.	4130	Activities .....
1.	4131	Personnel Improvement .....
a.	4131.1	Beginning Teacher Support/Induction .....
2.	4132	Publication or Creation of Materials .....
3.	4133	[Future Topic] .....
4.	4134	Meetings .....
5.	4135	Soliciting and Selling .....
6.	4136	Nonschool Employment .....
7.	4137	Tutoring .....
8.	4138	Mentor Teachers .....
9.	4139	Peer Assistance and Review .....
D.	4140	Bargaining Units .....
1.	4141	Collective Bargaining Agreement .....

PERSONNEL  
 -continued-

	CODE		
a.	Recognition .....	4141.1	
b.	Personnel Covered.....	4141.2	
c.	Governing Board/District Rights.....	4141.3	
d.	Association Rights.....	4141.4	
e.	Savings Clause .....	4141.5	
f.	Concerted Action/Work Stoppage.....	4141.6	
g.	Organizational Security .....	4141.7	
2.	Communications/Contacts .....	4142	
3.	Negotiations/Consultation .....	4143	
a.	Public Notice - Personnel Negotiations.....	4143.1	
4.	Complaints.....	4144	
E.	Employee Compensation .....	4150	
1.	Compensation and Benefits .....	4151	BP
2.	Salary Checks and Deductions .....	4152	
3.	Extra Pay for Extra Work .....	4153	
4.	Early Retirement Medical Benefits.....	4154	BP
5.	Retirement Compensation .....	4155	
a.	Tax-Sheltered Annuities .....	4155.1	
6.	Employment Amenities .....	4156	
a.	[Future Topic] .....	4156.1	
b.	Awards and Recognition .....	4156.2	
c.	Employee Property Reimbursement.....	4156.3	
7.	Employee Safety.....	4157	BP
a.	Work-Related Injuries .....	4157.1	
b.	Ergonomics .....	4157.2	
8.	Employee Security.....	4158	
9.	Employee Assistance Service for Education (EASE).....	4159	BP
F.	Leaves and Vacations .....	4160	
1.	Absence from Duty.....	4161	BP
a.	Personal Illness/Injury Leave .....	4161.1	
(1)	Industrial Accident/Illness Leave.....	4161.11	
b.	Personal Leaves.....	4161.2	
c.	Professional Leaves.....	4161.3	
d.	[Future Topic] .....	4161.4	
e.	Military Leave .....	4161.5	
f.	[Future Topic] .....	4161.6	
g.	[Future Topic] .....	4161.7	
h.	Family Care and Medical Leave.....	4161.8	
i.	Catastrophic Leave Program .....	4161.9	
2.	Vacation/Holidays .....	4162	BP
a.	Absence from Duty .....	4168	
2.	Classified Personnel .....	4200	
A.	Permanent/Probationary.....	4210	
a.	Relationship to the Personnel Commission .....	4210.1	BP
1.	Recruitment and Selection (see 4111) .....	4211	
a.	[Future Topic] .....	4211.1	
b.	Legal Status Requirement (see 4111.2).....	4211.2	
2.	Appointment and Conditions of Employment .....	4212	
a.	Contracts .....	4212.1	

PERSONNEL  
 -continued-

	CODE	
b.	4212.2	Certification or Licensing.....
c.	4212.3	Oath or Affirmation (see 4112.3).....
d.	4212.4	Health Requirements - Classified/Certificated.....
		(see 4112.4)
	4212.41	(1) Employee Drug Testing (see 4112.41).....
	4212.42	(2) Drug and Alcohol Testing for School Bus Drivers (see 4112.42).....
e.	4212.5	Conditions of Employment/Convictions Records.....
f.	4212.6	Personnel Files (see 4112.6).....
	4212.61	(1) Employment References (see 4112.61).....
	4212.62	(2) Maintenance of Criminal Offender Records (see 4112.62).....
g.	4212.7	Orientation.....
h.	4212.8	Employment of Relatives (see 4112.8).....
i.	4212.9	Employee Notifications (see 4112.9).....
3.	4213	Assignment/Classification.....
a.	4213.1	Load/Scheduling/Hours of Employment.....
b.	4213.2	Promotion/Demotion/Reclassification.....
c.	4213.3	Work Year.....
d.	4213.4	Temporary Modified/Light-Duty Assignment (see 4113.4).....
4.	4214	Transfer/Reassignment.....
5.	4215	Evaluation/Supervision.....
6.	4216	Probationary/Permanent Status.....
a.	4216.1	Seniority.....
7.	4217	Separation.....
a.	4217.1	Retirement.....
	4217.11	(1) Preretirement Part-Time Employment.....
	4217.12	(2) Early Retirement Consultancy Contracts.....
b.	4217.2	Separation from Service.....
c.	4217.3	Layoff/Rehire.....
d.	4217.5	Termination Agreements (see 4117.5).....
8.	4218	Dismissal/Suspension/Disciplinary Action.....
9.	4219	Rights, Responsibilities and Duties.....
a.	4219.1	Civil and Legal Rights (see 4119.1).....
	4219.11	(1) Sexual Harassment (see 4119.11).....
b.	4219.2	Employment Responsibilities.....
	4219.21	(1) Professional Standards (see 4119.21).....
	4219.22	(2) Dress and Grooming (see 4119.22).....
	4219.23	(3) Unauthorized Release of Confidential/ Privileged Information (see 4119.23).....
	4219.25	(4) Political Activities of Employees (see 4119.25).....
c.	4219.3	Duties of Personnel.....
d.	4219.4	Infectious Disease.....
	4219.41	(1) Employees with Infectious Disease (see 4119.41).....
	4219.42	(2) Exposure Control Plan for Bloodborne Pathogens (see 4119.42).....

PERSONNEL  
 -continued-

	CODE
(3) Universal Precautions (see 4119.43).....	4219.43
B. Other Classified Personnel.....	4220
1. Substitutes.....	4221
2. Teacher Aides/Paraprofessionals.....	4222
3. Temporary Athletic Team Coaches (see 4127).....	4227
C. Activities.....	4230
1. Staff Development.....	4231
2. Publication or Creation of Materials (see 4132).....	4232
3. [Future Topic].....	4233
4. Meetings.....	4234
5. Soliciting and Selling (see 4135).....	4235
6. Nonschool Employment (see 4136).....	4236
D. Bargaining Units (see 4140).....	4240
1. Collective Bargaining Agreement (see 4141).....	4241
a. Recognition.....	4241.1
b. Personnel Covered.....	4241.2
c. Governing Board/District Rights.....	4241.3
d. Association Rights.....	4241.4
e. Savings Clause.....	4241.5
f. Concerted Action/Work Stoppage (see 4141.6).....	4241.6
g. Organizational Security.....	4241.7
2. Communications/Contacts.....	4242
3. Negotiations/Consultation (see 4143).....	4243
a. Public Notice - Personnel Negotiations (see 4143.1).....	4243.1
4. Complaints (see 4144).....	4244
E. Compensation and Related Benefits.....	4250
1. Employee Compensation (see 4151).....	4251
2. Salary Checks and Deductions.....	4252
3. Overtime Pay/Compensatory Time Off.....	4253
4. Health and Welfare Benefits (see 4154).....	4254
5. Retirement Compensation.....	4255
a. Tax-Sheltered Annuities.....	4255.1
6. Employment Amenities.....	4256
a. [Future Topic].....	4256.1
b. Awards and Recognition (see 4156.2).....	4256.2
c. Employee Property Reimbursement (see 4156.3).....	4256.3
7. Employee Safety (see 4157).....	4257
a. Work-Related Injuries (see 4157.1).....	4257.1
b. Ergonomics (see 4157.2).....	4257.2
8. Employee Security (see 4158).....	4258
9. Employee Assistance Programs (see 4159).....	4259
F. Leaves and Vacations.....	4260
1. Leaves (see 4161).....	4261
a. Personal Illness/Injury Leave.....	4261.1
(1) Industrial Accident/Illness Leave.....	4261.11
b. Personal Leaves (see 4161.2).....	4261.2
c. Professional Leaves.....	4261.3
d. [Future Topic].....	4261.4

PERSONNEL  
 -continued-

	CODE	
e.	4261.5	Military Leave (see 4161.5) .....
f.	4261.6	[Future Topic] .....
g.	4261.7	[Future Topic] .....
h.	4261.8	Family Care and Medical Leave (see 4161.8) .....
i.	4261.9	Catastrophic Leave Program (see 4161.9).....
2.	4262	Vacation/Holidays .....
	4268	a. Absence from Duty (see 4168).....
3.	4300	Special Principals .....
A.	4301	Administrative Staff Organization .....
B.	4310	Permanent/Probationary.....
1.	4311	Recruitment and Selection (see 4111) .....
a.	4311.1	[Future Topic] .....
b.	4311.2	Legal Status Requirement (see 4111.2).....
2.	4312	Appointment and Conditions of Employment .....
a.	4312.1	Contracts .....
b.	4312.2	Certification.....
c.	4312.3	Oath or Affirmation (see 4112.3) .....
d.	4312.4	Health Examinations (see 4112.4).....
	4312.41	(1) Employee Drug Testing (see 4112.41).....
	4312.42	(2) Drug and Alcohol Testing for School Bus Drivers (see 4112.42).....
e.	4312.5	Criminal Record Check (see 4112.5) .....
f.	4312.6	Personnel Files (see 4112.6).....
	4312.61	(1) Employment References (see 4112.61).....
	4312.62	(2) Maintenance of Criminal Offender Records (see 4112.62).....
g.	4312.7	Orientation.....
h.	4312.8	Employment of Relatives (see 4112.8) .....
i.	4312.9	Employee Notifications (see 4112.9) .....
3.	4313	Assignment/Classification .....
a.	4313.1	Load/Scheduling/Hours of Employment .....
b.	4313.2	Demotion/Reassignment .....
c.	4113.21	Administrative Re-Employment for Certificated Personnel .....
d.	4313.3	Work Year .....
e.	4313.4	Temporary Modified/Light-Duty Assignment (see 4113.4) .....
4.	4314	Transfers .....
5.	4315	Evaluation/Supervision.....
a.	4315.1	Evaluation of Probationary Certificated Personnel .....
6.	4316	Probationary/Permanent Status.....
a.	4316.1	Seniority .....
7.	4317	Separation .....
a.	4317.1	Retirement .....
	4317.11	(1) Preretirement Part-Time Employment (see 4117.11) .....
	4317.12	(2) [Future Topic] .....
	4317.13	(3) Early Retirement Option (see 4117.13).....
	4317.14	(4) Postretirement Employment (see 4117.14) .....

PERSONNEL  
-continued-

	CODE
b. Resignation (see 4117.2) .....	4317.2
c. Personnel Reduction .....	4317.3
d. Dismissal .....	4317.4
e. Termination Agreements (see 4117.5) .....	4317.5
8. Suspension/Disciplinary Action .....	4318
9. Rights, Responsibilities and Duties .....	4319
a. Civil and Legal Rights (see 4119.1) .....	4319.1
(1) Sexual Harassment (see 4119.11) .....	4319.11
b. Professional Responsibilities .....	4319.2
(1) Professional Standards (see 4119.21) .....	4319.21
(2) Dress and Grooming (see 4119.22) .....	4319.22
(3) Unauthorized Release of Confidential/ Privileged Information (see 4119.23) .....	4319.23
(4) Academic Freedom .....	4319.24
(5) Political Activities of Employees (see 4119.25) ..	4319.25
c. Duties of Personnel .....	4319.3
d. Infectious Disease .....	4319.4
(1) Employees with Infectious Disease (see 4119.41) .....	4319.41
(2) Exposure Control Plan for Bloodborne Pathogens (see 4119.42) .....	4319.42
(3) Universal Precautions (see 4119.43) .....	4319.43
C. Other Management Personnel .....	4320
1. Temporary Athletic Team Coaches (see 4127) .....	4327
D. Activities .....	4330
1. Staff Development .....	4331
2. Publication or Creation of Materials (see 4132) .....	4332
3. [Future Topic] .....	4333
4. Meetings .....	4334
5. Soliciting and Selling (see 4135) .....	4335
6. Nonschool Employment (see 4136) .....	4336
E. Bargaining Units (see 4140) .....	4340
F. Complaints (see 4144) .....	4344
G. Compensation and Related Benefits .....	4350
1. Employee Compensation (see 4151) .....	4351
2. Salary Checks and Deductions .....	4352
3. Extra Pay for Extra Work .....	4353
4. Health and Welfare Benefits (see 4154) .....	4354
5. Early Retirement: Medical Insurance for Current Employee (Certificated/Classified/Confidential employees) .....	4355
a. Tax-Sheltered Annuities .....	4355.1
6. Employment Amenities .....	4356
a. [Future Topic] .....	4356.1
b. Awards and Recognition (see 4156.2) .....	4356.2
c. Employee Property Reimbursement (see 4156.3) .....	4356.3
7. Employee Safety (see 4157) .....	4357
a. Work-Related Injuries (see 4157.1) .....	4357.1
b. Ergonomics (see 4157.2) .....	4357.2
8. Employee Security (see 4158) .....	4358
9. Employee Assistance Programs (see 4159) .....	4359

PERSONNEL  
-continued-

	CODE
H. Leaves and Vacations .....	4360
1. Leaves (see 4161) .....	4361
a. Personal Illness/Injury Leave (see 4161.1).....	4361.1
(1) Industrial Accident/Illness Leave (see 4161.11)..	4361.11
b. Personal Leaves (see 4161.2) .....	4361.2
c. Professional Leaves .....	4361.3
d. [Future Topic] .....	4361.4
e. Military Leave (see 4161.5) .....	4361.5
f. [Future Topic] .....	4361.6
g. [Future Topic] .....	4361.7
h. Family Care and Medical Leave (see 4161.8).....	4361.8
i. Catastrophic Leave Program (see 4161.9).....	4361.9
2. Vacation/Holidays .....	4362
a. Absence from Duty (see 4168).....	4368



NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.	Concepts and Roles .....	5000 BP
A.	Goals and Objectives .....	5010
B.	Parent Rights and Responsibilities.....	5020 BP
1.	Noncustodial Parents .....	5021 BP
2.	Student and Family Privacy Rights .....	5022 BP
C.	Student Wellness.....	5030 BP
1.	Elementary and Secondary.....	5100
A.	Attendance .....	5110
1.	Admission.....	5111 BP
a.	District Residency .....	5111.1
(1)	[Future Topic] .....	5111.11
(2)	Residency Based on Parent/Guardian Employment.....	5111.12
(3)	Residency for Homeless Children.....	5111.13
b.	Nonresident Foreign Students .....	5111.2
2.	Attendance and Exceptions.....	5112
a.	Exemptions from Attendance .....	5112.1 BP
b.	Exclusions from Attendance .....	5112.2
c.	Student Leave of Absence.....	5112.3 BP
d.	Part-Time Employment .....	5112.4
e.	Closed Campus.....	5112.5 BP
3.	Absences and Excuses .....	5113 BP
a.	Chronic Absence and Truancy .....	5113.1 BP
b.	Work Permits.....	5113.2 BP
4.	Attendance Records; Registers .....	5114
5.	School Census .....	5115
6.	School Attendance Boundaries.....	5116
a.	Intradistrict Open Enrollment.....	5116.1 BP
7.	Interdistrict Attendance .....	5117 BP
8.	Open Enrollment Act Transfers.....	5118
9.	Students Expelled from Other Districts .....	5119
B.	Progress .....	5120
1.	Students' Grades/Evaluation of Student Achievement .....	5121 BP
2.	Academic Load.....	5122
3.	Promotion/Acceleration/Retention .....	5123 BP
4.	[Future Topic].....	5124
5.	Student Records.....	5125 BP
a.	Release of Directory Information.....	5125.1 BP
b.	Withholding Grades, Diploma or Transcripts .....	5125.2
c.	Challenging Student Records .....	5125.3
6.	Awards for Achievement .....	5126 BP
7.	Graduation Ceremonies and Activities.....	5127 BP
C.	Activities.....	5130

STUDENTS  
 -continued-

	CODE	
1.	Conduct.....	5131 BP
a.	Bus Conduct .....	5131.1 BP
b.	Bullying .....	5131.2 BP
c.	Student Driving and Parking .....	5131.3
d.	Student Disturbances .....	5131.4
e.	Vandalism and Graffiti.....	5131.5
f.	Alcohol and Other Drugs .....	5131.6 BP
	(1) Drug Testing .....	5131.61
	(2) Tobacco.....	5131.62 BP
	(3) Steroids .....	5131.63 BP
g.	Weapons and Dangerous Instruments .....	5131.7 BP
h.	[Future Topic] .....	5131.8
i.	Academic Honesty .....	5131.9 BP
2.	Dress and Grooming .....	5132 BP
3.	Gifts to School Personnel .....	5133
4.	[Future Topic] .....	5134
5.	School Symbols .....	5135
6.	Gangs .....	5136
7.	Positive School Climate.....	5137
8.	Conflict Resolution/Peer Mediation .....	5138
D.	Welfare .....	5140
1.	Health Care and Emergencies.....	5141 BP
a.	Accidents.....	5141.1
b.	Illness .....	5141.2
	(1) Administering Medication and Monitoring Health Conditions .....	5141.21 BP
	(2) Infectious Diseases.....	5141.22
	(3) Asthma Management .....	5141.23
	(4) Specialized Health Care Services.....	5141.24
	(5) Availability of Condoms .....	5141.25
	(6) Tuberculosis Testing .....	5141.26
	(7) Food Allergies/Special Dietary Needs .....	5141.27 BP
c.	Health Examinations .....	5141.3 BP
	(1) Immunizations.....	5141.31 BP
	(2) Health Screening for School Entry.....	5141.32
	(3) Head Lice .....	5141.33 BP
d.	Child Abuse Prevention and Reporting.....	5141.4 BP
e.	Mental Health.....	5141.5
	(1) [Future Topic] .....	5141.51
	(2) Suicide Prevention .....	5141.52
f.	School Health Services.....	5141.6 BP
g.	Sun Safety .....	5141.7
2.	Safety Program .....	5142 BP
a.	Identification and Reporting of Missing Children.....	5142.1
b.	Safe Routes to School Program .....	5142.2
c.	Student Use of Bicycles .....	5142.3
3.	Insurance.....	5143

STUDENTS  
-continued-

		CODE	
4.	Discipline.....	5144	BP
a.	Suspension and Expulsion/Due Process.....	5144.1	BP
b.	Suspension and Expulsion/Due Process (Students with Disabilities) .....	5144.2	
5.	Rights and Responsibilities.....	5145	
a.	Privacy.....	5145.1	
	(1) Questioning and Apprehension by Law Enforcement .....	5145.11	
	(2) Search and Seizure .....	5145.12	BP
b.	Freedom of Speech/Expression .....	5145.2	BP
c.	Nondiscrimination/Harassment .....	5145.3	BP
d.	[Future Topic] .....	5145.4	
e.	Student Grievance Procedure .....	5145.5	
f.	Parental Notifications .....	5145.6	BP
g.	Sexual Harassment .....	5145.7	BP
h.	Refusal to Harm or Destroy Animals .....	5145.8	
i.	Hate-Motivated Behavior .....	5145.9	BP
6.	Married/Pregnant/Parenting Students .....	5146	BP
7.	Dropout Prevention.....	5147	
8.	Child Care and Development.....	5148	BP
a.	Child Care Services for Parenting Students .....	5148.1	
b.	Before/After School Programs .....	5148.2	
c.	Preschool/Early Childhood Education.....	5148.3	BP
9.	At-Risk Students.....	5149	BP

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.	Concepts and Roles .....	6000
A.	Goals and Objectives .....	6010
1.	Academic Standards .....	6011
B.	Parent Involvement .....	6020
		BP
1.	Elementary and Secondary .....	6100
A.	Schedules .....	6110
1.	School Calendar .....	6111
2.	School Day .....	6112
3.	Released Time .....	6113
4.	Flying of Flags .....	6115
5.	Classroom Interruptions .....	6116
6.	Year-Round Schedules .....	6117
B.	Response to Instruction and Intervention .....	6120
C.	Organizational Plan .....	6130
D.	Curriculum .....	6140
1.	Curriculum Development and Evaluation .....	6141
		BP
a.	Experimental/Innovative Programs .....	6141.1
b.	Recognition of Religious Beliefs and Customs .....	6141.2
c.	[Future Topic] .....	6141.3
d.	[Future Topic] .....	6141.4
e.	Advanced Placement .....	6141.5
f.	Multicultural Education .....	6141.6
2.	Subject Fields .....	6142
a.	Sexual Health and HIV/AIDS Prevention Instruction .....	6142.1
b.	World/Foreign Language Instruction .....	6142.2
c.	Civic Education .....	6142.3
d.	Service Learning/Community Service Classes .....	6142.4
e.	Environmental Education .....	6142.5
f.	Visual and Performing Arts Education .....	6142.6
g.	Physical Education and Activity .....	6142.7
h.	Comprehensive Health Education .....	6142.8
i.	Core Curriculum .....	6142.9
(1)	Reading/Language Arts Instruction .....	6142.91
(2)	Mathematics Instruction .....	6142.92
(3)	Science Instruction .....	6142.93
(4)	History-Social Science Instruction .....	6142.94
3.	Courses of Study .....	6143
		BP
4.	Controversial Issues .....	6144
		BP
5.	Extracurricular and Cocurricular Activities .....	6145
		BP
a.	Intramural Competition .....	6145.1
b.	Athletic Competition .....	6145.2
c.	Publications .....	6145.3
d.	Public Performances and Exhibitions .....	6145.4
e.	Student Organizations and Equal Access .....	6145.5

INSTRUCTION  
 -continued-

	CODE	
f.	International Exchange.....	6145.6
g.	[Future Topic] .....	6145.7
h.	Assemblies and Special Events .....	6145.8
6.	Graduations Requirements/Standards of Proficiency .....	6146
a.	High School Graduation Requirements.....	6146.1 BP
	(1) Alternative Credits Toward Graduation .....	6146.11
b.	Certificate of Proficiency/High School Equivalency .....	6146.2
c.	Reciprocity of Academic Credit .....	6146.3
d.	Differential Graduation and Competency Standards for Students with Disabilities.....	6146.4 BP
e.	Elementary/Middle School Graduation Requirements .....	6146.5
E.	Instructional Arrangements.....	6150
1.	Class Size.....	6151
2.	Class Assignment .....	6152
3.	Field Learning Experiences .....	6153 BP
4.	Homework .....	6154 BP
5.	Challenging Courses by Examination.....	6155
6.	Lesson Plans .....	6156
7.	Tutoring .....	6157
8.	Independent Study .....	6158 BP
9.	Individualized Education Program .....	6159 BP
a.	Procedural Safeguards and Complaints for Special Education .....	6159.1 BP
b.	Nonpublic, Nonsectarian School and Agency Services for Special Education.....	6159.2 BP
c.	Appointment of Surrogate Parent for Special Education Students .....	6159.3 BP
d.	Behavioral Interventions for Special Education Students .....	6159.4
F.	Instructional Services and Resources.....	6160
1.	Equipment, Books and Materials.....	6161
a.	Selection and Evaluation of Instructional Materials.....	6161.1 BP E
	(1) Supplementary Instructional Materials .....	6161.11 BP E
b.	Damaged or Lost Instructional Materials .....	6161.2 BP
c.	Toxic Art Supplies .....	6161.3
2.	Student Assessment .....	6162.5 BP
a.	Standardized Testing and Reporting Program.....	6162.51
b.	High School Exit Examination.....	6162.52
c.	[Future Topic] .....	6162.53
d.	Test Integrity/Test Preparation.....	6162.54
3.	Use of Copyrighted Materials.....	6162.6 BP
4.	Use of Technology in Instruction .....	6162.7
5.	Research .....	6162.8
6.	Instructional Resources for Students .....	6163
a.	Library Media Centers.....	6163.1
b.	Animals at School .....	6163.2 BP
c.	Learning Centers .....	6163.3
d.	Student Use of Technology .....	6163.4 BP
7.	Individual Services and Counseling .....	6164

INSTRUCTION  
 -continued-

	CODE	
a.	6164.1	[Future Topic] .....
b.	6164.2	Guidance/Counseling Services.....
c.	6164.3	[Future Topic] .....
d.	6164.4	Identification and Evaluation of Individuals for Special Education.....
	6164.41	(1) Children with Disabilities Enrolled by Their Parents in Private School .....
e.	6164.5	Student Success Teams .....
f.	6164.6	Identification and Education Under Section 504.....
G.	6170	Curriculum Extensions/Specialized Programs .....
1.	6170.1	Transitional Kindergarten .....
2.	6171	Title I Programs .....
3.	6172	Gifted and Talented Student Program .....
	6172.1	a. Concurrent Enrollment in College Classes.....
4.	6173	Education for Homeless Children.....
5.	6173.1	Education for Foster Youth .....
6.	6173.2	Education of Children of Military Families.....
7.	6174	Education for English Language Learners.....
8.	6175	Migrant Education Program .....
9.	6176	Weekend/Saturday Classes.....
10.	6177	Summer School .....
11.	6178	Career Technical Education.....
	6178.1	a. Work-Based Learning .....
	6178.2	b. Regional Occupational Center/Program.....
12.	6179	Supplemental Instruction .....
H.	6180	Program Adaptations/Alternative Arrangements .....
1.	6181	Alternative Schools/Programs of Choice.....
2.	6182	Opportunity School/Class/Program .....
3.	6183	Home and Hospital Instruction.....
4.	6184	Continuation Education .....
5.	6185	Community Day School .....
I.	6190	Evaluation of the Instructional Program .....
1.	6192	Evaluation of Special Education Program .....
2.	6200	Adult Education .....

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.		Concepts and Roles ..... 7000
		A.    Goals and Objectives ..... 7010
1.		Planning and Design ..... 7100
		A.    Facilities Master Plan ..... 7110
		1.    Developer Fees ..... 7111
		2.    Priorities for New Construction and Modernization..... 7112
		3.    Temporary Facilities ..... 7113
		B.    Administrative and Legal Services ..... 7120
		C.    Relations with other Governmental Units ..... 7130
		1.    Relations with Local Agencies ..... 7131
		2.    Relations with State Agencies ..... 7132
		D.    Architectural and Engineering Services ..... 7140   BP
		E.    Site Selection and Development ..... 7150
		F.    Charter School Facilities..... 7160   BP
2.		Financing..... 7200
		A.    Facilities Financing..... 7210
		1.    Developer Fees ..... 7211   BP
		2.    Mello-Roos Districts..... 7212
		3.    School Facilities Improvement Districts..... 7213
		4.    General Obligation Bonds ..... 7214
		B.    Tax Levies ..... 7220
3.		Acceptance/Dedication/Occupation ..... 7300
		A.    Naming of Facility ..... 7310

NOTE: The CSBA comprehensive index is a standard index system designed to provide a table of contents for this manual while at the same time accommodating future policies/regulations. This manual contains only those Board policies (BP), administrative regulations (AR) and/or exhibits (E) specified in the right-hand column.

	CODE	
0.	Role of the Board .....	9000 BB
A.	Governance Standards .....	9005 BB
B.	Public Statements.....	9010 BB
1.	Disclosure of Confidential/Privileged Information .....	9011 BB
2.	Board Member Electronic Communications .....	9012 BB
1.	Organization.....	9100 BB
A.	Terms of Office.....	9110 BB
B.	Officers and Auxiliary Personnel.....	9120
1.	President .....	9121 BB
2.	Vice President.....	9121.1 BB
3.	Secretary .....	9122 BB
4.	Clerk .....	9123 BB
5.	Attorney.....	9124 BB
C.	Board Committees .....	9130 BB
D.	Board Representatives .....	9140
E.	Student Board Members .....	9150
2.	Limits of Board Member Authority .....	9200 BB
A.	Qualifications.....	9210
B.	Governing Board Elections.....	9220 BB
1.	Recruiting New Board Members .....	9221
2.	Resignation .....	9222 BB
3.	Filling Vacancies .....	9223 BB
4.	Oath or Affirmation .....	9224 BB
C.	Orientation .....	9230 BB
D.	Board Development .....	9240
E.	Compensation .....	9250 BB
F.	Legal Protection.....	9260
G.	Conflict of Interest .....	9270 BB
3.	Board Operations .....	9300
A.	Board Policies.....	9310 BB
B.	Meetings and Notices.....	9320 BB
1.	Closed Session Purposes and Agendas.....	9321 BB
a.	Closed Session Actions and Reports .....	9321.1 BB
2.	Agenda/Meeting Materials .....	9322 BB
3.	Meeting Conduct .....	9323 BB
a.	Order of Business .....	9323.1
b.	Actions by the Board.....	9323.2 BB
4.	Minutes and Recordings .....	9324 BB
C.	Membership in Associations.....	9330
4.	Board Self-Evaluation.....	9400



**VISION**

In order to provide a clear focus for district programs, activities and operations, the Board of Education shall adopt a long-range vision that sets direction for the district which is focused on student learning and describes what the Board wants its schools to achieve. This vision may be incorporated in various documents, including the district's mission or purpose statement, philosophy, long-term goals, short-term objectives, and/or comprehensive plans.

The Superintendent or designee shall recommend an appropriate process for establishing and/or reviewing the district's vision statement which is inclusive of parents/guardians, students, staff and community members.

The Board shall review the district vision statements at least every three years or whenever a new Board member or Superintendent joins the district. Following these reviews the Board may revise or reaffirm the direction it has established for the district.

The Superintendent or designee shall communicate the district's vision to staff, parents/guardians and the community and shall regularly report to the Board regarding district progress toward the vision.

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Leadership: Vision, 1996

WEB SITES

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

**PHILOSOPHY**

The Board of Education believes education is vital to the future of a free society and that it is the obligation of the district to graduate literate, responsible citizens.

As part of its responsibility to establish a guiding vision for the district, the Board shall develop and regularly review a set of fundamental principles which describes the district's beliefs, values or tenets. The Board and district staff shall incorporate this philosophy in all district programs and activities.

It is the philosophy of the district that:

1. All students can learn and succeed.
2. Every student in the district, regardless of gender, special needs, or social, ethnic, language or economic background has a right to a high-quality education that challenges the student to achieve to his/her fullest potential.
3. The future of our nation and community depends on students possessing the skills to be lifelong learners and effective, contributing members of society.
4. A safe, nurturing environment is necessary for learning.
5. Parents/guardians have a right and an obligation to participate in their child's schooling.
6. The ability of children to learn is affected by social, health and economic conditions and other factors outside the classroom.
7. Early identification of student learning and behavioral difficulties contribute to student success.
8. Students and staff respond positively to high expectations and recognition for their accomplishments.
9. Continuous school improvement is necessary to meet the needs of students in a changing economy and society.
10. The diversity of the student population and staff enriches the learning experience for all students.
11. A highly skilled and dedicated staff has a direct and powerful influence on students' lives and learning.
12. A high level of communication, trust, respect and teamwork among Board members and the Superintendent contributes to effective decision making.

**PHILOSOPHY** (continued)

13. The community provides an essential resource to the educational program.
14. Effective communication with all stakeholders helps build support for the schools.
15. Accountability for the district's programs and operations is shared by the entire educational community, with the ultimate accountability resting with the Board as the basic embodiment of representative government.

*Legal Reference:*

EDUCATION CODE

*51002 Local development of programs based on stated philosophy and goals*

*51019 Definition of philosophy*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Leadership: Vision, 1996*

**GOALS FOR THE SCHOOL DISTRICT**

As part of the Board of Education's responsibility to set direction for the school district, the Board shall adopt long-term goals focused on the achievement and needs of all district students. The district's goals shall be aligned with the district's vision, mission, philosophy, and priorities and shall be limited in number so as to be reasonably achievable within established timelines.

When developing the district's goals, the Board shall consider the following areas:

1. Developing curriculum, assessments, and instructional materials that are aligned with the state's content standards, frameworks, and assessments
2. Maintaining safe and orderly campuses which promote learning
3. Ensuring that all students achieve proficiency in essential areas of skill and knowledge and attain the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy
4. Providing for the specialized needs of identified groups of students, including providing necessary support and intervention programs and closing the gap between low-achieving and high-achieving students
5. Providing a system of shared accountability for student achievement with clear performance standards and consequences
6. Promoting student health, nutrition, and physical activity in order to enhance learning
7. Developing each student's self-respect, respect for others, appreciation for diversity, and sense of personal responsibility
8. Allocating time and resources for staff collaboration, planning, and professional development activities aligned with the district's goals
9. Maintaining fiscal integrity for the district and aligning resources to instructional needs and priorities for student achievement
10. Improving the organization, management, and decision-making structure and capabilities of the district to better support the education of students
11. Employing technology in ways that enhance learning, teaching, and noninstructional operations

**GOALS FOR THE SCHOOL DISTRICT** (continued)

12. Providing and maintaining facilities to meet the needs of present and future students
13. Maintaining positive relations with parents/guardians and the community, emphasizing communication and inviting participation in the schools
14. Collaborating with other public agencies and private organizations to ensure that children's physical, social, and emotional needs are met

The Superintendent or designee shall, with the involvement of district and school site staff, develop a strategic plan containing short-term objectives, actions, and timelines designed to enable the district to achieve its long-term goals. The Superintendent or designee shall also ensure that district improvement plans and reform efforts are aligned with the district's goals.

The Superintendent or designee shall ensure that these goals are communicated to staff, parents/guardians, students, and the community and that those groups are given an opportunity to provide feedback to the district about the goals.

**Monitoring and Evaluation**

The Board shall regularly monitor the progress of the district's efforts in achieving the goals. To that end, the Superintendent or designee may provide the Board with the necessary data and analysis to help the Board evaluate the effectiveness of the district's efforts. These data may include an analysis of the progress based on the performance indicators and benchmarks for each goal, as well as other measures of student achievement, such as the Academic Performance Index, Adequate Yearly Progress, student attendance, and graduation rates.

If the Board determines that sufficient progress is not being made toward a particular goal, the Board and Superintendent shall determine what types of additional district resources and support should be provided so that progress in increasing student achievement can be made. District goals shall be revised as necessary.

*Legal Reference: (see next page)*

**GOALS FOR THE SCHOOL DISTRICT (continued)**

*Legal Reference:*

EDUCATION CODE

33127-33129 *Standards and criteria for fiscal accountability*

33400-33407 *CDE evaluation of district programs*

44660-44665 *Evaluation of certificated employees*

51002 *Local development of programs based on stated philosophy and goals*

51020 *Definition of goal*

51021 *Definition of objective*

51041 *Evaluation of the educational program*

52050-52059 *Public Schools Accountability Act*

64000-64001 *Consolidated application process*

CODE OF REGULATIONS, TITLE 5

15440-15463 *Standards and criteria for fiscal accountability*

UNITED STATES CODE, TITLE 20

6311 *Accountability, adequate yearly progress*

6312 *Local educational agency plan*

*Management Resources:*

CSBA PUBLICATIONS

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2006*

*Maximizing School Board Governance: Vision, 1996*

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

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

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Board of Education is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.

**Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

*Legal Reference: (see next page)*

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES** (continued)

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

48985 *Notices to parents in language other than English*

51007 *Legislative intent: state policy*

GOVERNMENT CODE

11000 *Definitions*

11135 *Nondiscrimination in programs or activities funded by state*

11138 *Rules and regulations*

12900-12996 *Fair Employment and Housing Act*

54953.2 *Brown Act compliance with Americans with Disabilities Act*

PENAL CODE

422.55 *Definition of hate crime*

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities in Education Act*

1681-1688 *Discrimination based on sex or blindness, Title IX*

2301-2415 *Carl D. Perkins Vocational and Applied Technology Act*

6311 *State plans*

6312 *Local education agency plans*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

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

2000h-2000h-6 *Title IX*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

36.303 *Auxiliary aids and services*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 *Nondiscrimination in federal programs, effectuating Title VI*

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

106.1-106.61 *Discrimination on the basis of sex, effectuating Title IX, especially:*

106.9 *Dissemination of policy*

*Management Resources: (see next page)*



**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES** (continued)

*Management Resources:*

CSBA PUBLICATIONS

*Safe Schools: Strategies for Boards of Education to Ensure Student Success, 2011*

*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010*

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

*Notice of Non-Discrimination, January 1999*

*Protecting Students from Harassment and Hate Crime, January 1999*

*Nondiscrimination in Employment Practices in Education, August 1991*

WEB SITES

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

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

Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Pacific ADA Center: <http://www.adapacific.org>

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

**SCHOOL PLANS/SITE COUNCILS**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

When required by law or determined to be a useful tool to accomplish district and school goals, school site councils or other school advisory groups shall develop comprehensive school plans designed to enhance student achievement at individual school sites.

**Single Plan for Student Achievement**

The Superintendent or designee shall ensure that a single plan for student achievement is prepared by the school site council as required by law for each school participating in specified state and/or federal categorical programs. (Education Code 41507, 41572, 52055.755, 64001)

Whenever feasible, any other school plan may be incorporated into the single plan for student achievement.

The Superintendent or designee shall review each school's single plan and ensure that it has been developed and approved by a properly constituted school site council, 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 of Education his/her recommendations for plan approval or recommendations regarding any subsequent material revisions of the plan.

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

The Superintendent or designee shall ensure that principals and members of each site council receive training on the roles and responsibilities of the site council. To the extent necessary, he/she shall ensure that site councils receive the resources necessary in order to perform their role effectively.

**SCHOOL PLANS/SITE COUNCILS** (continued)

**School Site Block Grants**

Upon receipt of state funding for school site block grants, the Board shall allocate the funds to district schools on an equal per-pupil basis. (AB 1802, Sec. 43, Statutes of 2006)

The school's use of the funds allocated through this block grant shall be proposed by the school site council or, if the school does not have a school site council, by a schoolwide advisory group or school support group. (AB 1802, Sec. 43, Statutes of 2006)

The Board encourages school site councils to fund the highest priority needs identified in school improvement plans. The school site council shall provide the Superintendent or designee and the Board with a written proposal that includes a statement of the identified need(s) and how the funds will be used to enhance the educational program.

*Legal Reference: (see next page)*

**SCHOOL PLANS/SITE COUNCILS (continued)**

*Legal Reference:*

EDUCATION CODE

- 52-53 Designation of schools*
  - 8240-8244 General child care and development programs*
  - 8750-8754 Conservation education*
  - 18100-18203 School libraries*
  - 32228-32228.5 School safety and violence prevention*
  - 33133 Information guide for school site councils*
  - 35147 Open meeting laws exceptions*
  - 41500-41573 Categorical education block grants*
  - 44500-44508 Peer Assistance and Review Program*
  - 44520-44534 New Careers Program*
  - 48400-48403 Compulsory continuation education*
  - 48430-48438 Continuation education*
  - 48660-48667 Community day schools*
  - 51745-51749.3 Independent study*
  - 51760-51769.5 Work experience education*
  - 51870-51874 Educational technology*
  - 52053-52055.55 Immediate Intervention/Underperforming Schools Program*
  - 52055.700-52055.770 Quality Education Investment Act*
  - 52176 Advisory committees*
  - 52200-52212 Gifted and Talented Education Program*
  - 52300-52346 Regional occupational centers*
  - 52500-52617 Adult education, including:*
    - 52610-52616.24 Adult education finances*
  - 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*
  - 54740-54749.5 California School Age Families Education Program*
  - 56000-56867 Special education*
  - 64000 Categorical programs included in consolidated application*
  - 64001 Single school plan for student achievement, consolidated application programs*
- REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
- 52012 Establishment of school site council*
  - 52014-52015 School plans*
- HEALTH AND SAFETY CODE
- 104420 Tobacco use prevention*

*Legal Reference continued: (see next page)*

**SCHOOL PLANS/SITE COUNCILS (continued)**

*Legal Reference: (continued)*

MILITARY AND VETERANS CODE

500-520.1 *California Cadet Corps*

AB 1802 UNCODIFIED 2006 STATUTE

43 *School site block grants*

CODE OF REGULATIONS, TITLE 5

3930-3937 *Compliance plans*

UNITED STATES CODE, TITLE 20 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 and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils*, April 2006

WEB SITES

California Department of Education, *Single Plan for Student Achievement:*

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

Center for Comprehensive School Reform and Improvement: <http://www.centerforcsri.org>

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

**SCHOOL-BASED PROGRAM COORDINATION**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

In order to best serve students with special needs and students participating in designated educational programs, the Board of Education encourages school-based program coordination as a means for achieving flexibility in the use of the categorical funds received by each school. The Board believes that resources acquired to assist students in one program often can benefit other students without in any way depriving the originally targeted group.

A school site council shall be established at each school to consider whether or not it wishes the school to participate in school-based program coordination. All interested persons shall have an opportunity to meet in public to establish the site council. (Education Code 52852.5)

The school site council of any participating school shall develop, for approval by the Board, a school plan that addresses the components specified in Education Code 52853. This plan shall be incorporated into the school's single plan for student achievement required for the state's consolidated application process. (Education Code 52853, 64001)

Evaluation of each participating school's educational program shall include an assessment of the school's effectiveness in meeting the needs of each student population originally targeted by the categorical programs.

*Legal Reference: (see next page)*

**SCHOOL-BASED PROGRAM COORDINATION (continued)**

*Legal Reference:*

EDUCATION CODE

8750-8754 *Conservation education*

41500-41573 *Categorical education block grants*

44520-44534 *New Careers Program*

51870-51874 *Education technology*

52200-52212 *Gifted and Talented Education Program*

52340-52346 *California Regional Career Guidance Centers*

52800-52887 *School-Based Program Coordination Act*

54000-54028 *Educationally Disadvantaged Youth Programs*

54100-54145 *Miller-Unruh Basic Reading Act*

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*

MILITARY AND VETERANS CODE

500-520.1 *California Cadet Corps*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Voluntary Template for the Single Plan for Student Achievement*

WEB SITES

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

**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION**

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

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

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

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the SELPA plan specifically authorizes the district to operate under its own policies and regulations.

*Legal Reference: (see next page)*



**COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

- 56000-56001 Education for individuals with exceptional needs*
- 56020-56035 Definitions*
- 56040-56046 General provisions*
- 56048-56050 Surrogate parents*
- 56055 Foster parents*
- 56060-56063 Substitute teachers*
- 56170-56177 Children enrolled in private schools*
- 56190-56194 Community advisory committees*
- 56195-56195.10 Local plans*
- 56205-56208 Local plan requirements*
- 56213 Special education local plan areas with small or sparse populations*
- 56240-56245 Staff development*
- 56300-56385 Identification and referral, assessment, instructional planning*
- 56440-56447.1 Programs for individuals between the ages of three and five years*
- 56500-56508 Procedural safeguards, including due process rights*
- 56520-56524 Behavioral interventions*
- 56600-56606 Evaluation, audits and information*
- 56836-56836.05 Administration of local plan*

GOVERNMENT CODE

- 7579.5 Surrogate parent, appointment, qualifications, liability*
- 95000-95029 California Early Intervention Services Act*

WELFARE AND INSTITUTIONS CODE

- 361 Limitations on parental control*
- 726 Limitations on parental control*

CODE OF REGULATIONS, TITLE 5

- 3000-3089 Regulations governing special education*

UNITED STATES CODE, TITLE 20

- 1400-1482 Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

- 794 Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.10-99.22 Inspection, review and procedures for amending education records*
- 104.1-104.39 Section 504 of the Rehabilitation Act of 1973*
- 300.1-300.818 Assistance to states for the education of children with disabilities, including:*
- 300.500-300.520 Due process procedures for parents and children*
- 303.1-303.654 Early intervention program for infants and toddlers with disabilities*

*Management Resources:*

WEB SITES

- California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*
- U.S. Department of Education, Office of Special Education Programs:  
<http://www.ed.gov/about/offices/list/osers/osep>*

**DISTRICT TECHNOLOGY PLAN**

The Board of Education recognizes that technological resources can enhance student achievement by increasing student access to information, developing their technological literacy skills, and providing instruction tailored to student needs. Effective use of technology can also increase the efficiency of the district's noninstructional operations and governance. The Board is committed to the development and maintenance of a districtwide infrastructure and to providing staff professional development that will allow the implementation of existing and new technologies.

The Superintendent or designee shall develop a three- to five-year technology plan which:

1. Focuses on the use of technology to improve student achievement and is aligned with the district's vision and goals for student learning
2. Contains clear goals for the use of technology based on an assessment of district needs
3. Addresses all components required for state or federal technology grant programs, administered by the California Department of Education, in which the district participates (Education Code 51871.5, 52295.35; 5 CCR 11974; 20 USC 6764; 47 CFR 54.508)
4. Addresses the use of technology to improve district governance, district and school site administration, support services, and communications

**Planning Team**

The Superintendent or designee may appoint a planning team to assist with the development of the technology plan. The recommendations of the committee shall be advisory only and shall not be binding on the Board.

*Legal Reference: (see next page)*

## DISTRICT TECHNOLOGY PLAN (continued)

### *Legal Reference:*

#### EDUCATION CODE

10550-10555 Telecommunications standards

11800 K-12 High Speed Network grant program

51006 Computer education and resources

51007 Programs to strengthen technological skills

51865 California distance learning policy

51870-51874 Educational technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of federal Enhancing Education Through Technology (EETT) grant program

60010 Instructional materials, definition

66940-66941 Distance learning

#### PENAL CODE

502 Computer crimes, remedies

#### CODE OF REGULATIONS, TITLE 5

11971-11979.5 Enhancing Education Through Technology grants

#### UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D

#### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

#### CODE OF FEDERAL REGULATIONS, TITLE 47

54.500-54.523 Universal service support for schools, especially:

54.508 Technology plan

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Education Technology Planning: A Guide for School Districts, 2001*

#### WEB SITES

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

California Department of Education, Education Technology Office: <http://www.cde.ca.gov/ls/et>

California Learning Resource Network: <http://www.clrn.org>

California Technology Assistance Project: <http://www.ctap.k12.ca.us>

International Society for Technology in Education: <http://www.iste.org>

Technical Support for Education Technology in Schools: <http://www.techsets.org>

**COMPREHENSIVE SAFETY PLAN**

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

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

The Superintendent or designee shall oversee the development of a districtwide comprehensive safety plan that is applicable to each school site. (Education Code 32281)

The comprehensive safety plan(s) shall be reviewed and updated annually. (Education Code 32286)

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

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

**Tactical Response Plan**

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

**Public Access to Safety Plan(s)**

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

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

## COMPREHENSIVE SAFETY PLAN (continued)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination  
32260-32262 Interagency School Safety Demonstration Act of 1985  
32270 School safety cadre  
32280-32289 School safety plans  
32290 Safety devices  
35147 School site councils and advisory committees  
35183 School dress code; uniforms  
35291 Rules  
35291.5 School-adopted discipline rules  
35294.10-35294.15 School Safety and Violence Prevention Act  
41510-41514 School Safety Consolidated Competitive Grant Program  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
49079 Notification to teacher; student act constituting grounds for suspension or expulsion  
67381 Violent crime

#### PENAL CODE

422.55 Definition of hate crime  
626.8 Disruptions  
11164-11174.3 Child Abuse and Neglect Reporting Act

#### CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

#### CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements  
11992-11993 Definition, persistently dangerous schools

#### UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities  
7912 Transfers from persistently dangerous schools

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

### Management Resources:

#### CSBA PUBLICATIONS

Safe Schools: Strategies for Boards of Education to Ensure Student Success, Third Edition, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

#### U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

Management Resources continued: (see next page)

**COMPREHENSIVE SAFETY PLAN** (continued)

*Management Resources: (continued)*

WEB SITES

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

*California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>*

*California Emergency Management Agency: <http://www.calema.ca.gov>*

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

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

*Federal Bureau of Investigation: <http://www.fbi.gov>*

*National Alliance for Safe Schools: <http://www.safeschools.org>*

*National Center for Crisis Management: <http://www.schoolcrisisresponse.com>*

*National School Safety Center: <http://www.schoolsafety.us>*

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

*U.S. Secret Service, National Threat Assessment Center: [http://www.secretservice.gov/ntac\\_ssi.shtml](http://www.secretservice.gov/ntac_ssi.shtml)*

**ACCOUNTABILITY**

The Board of Education recognizes its responsibility to ensure accountability to the public for the performance of district schools. The Board shall review the effectiveness of the district's programs, personnel, and fiscal operations, with a focus on the district's effectiveness in improving student achievement.

Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of the review and evaluation of district programs and operations.

Indicators of district progress in improving student achievement shall include, but not be limited to, the Academic Performance Index (API) established by the state's accountability system and measures of "adequate yearly progress" (AYP) required under the federal accountability system.

Following the annual publication of the API and school rankings by the Superintendent of Public Instruction, the Board shall, at a regularly scheduled meeting, discuss the results of each school's annual ranking. (Education Code 52056)

This discussion shall include an examination of scores from the Standardized Testing and Reporting (STAR) program.

Evaluation results may be used as a basis for identifying and developing strategies to address disparities in achievement among student subgroups, implementing programmatic changes, determining the need for additional support or assistance, awarding incentives or rewards, and establishing other performance-based consequences.

*Legal Reference: (see next page)*

## ACCOUNTABILITY (continued)

### *Legal Reference:*

#### EDUCATION CODE

33127-33129 *Standards and criteria for fiscal accountability*

33400-33407 *CDE evaluation of district programs*

44660-44665 *Evaluation of certificated employees*

51041 *Evaluation of the educational program*

52050-52059 *Public Schools Accountability Act*

60640-60649 *Standardized Testing and Reporting Program*

#### CODE OF REGULATIONS, TITLE 5

15440-15463 *Standards and criteria for fiscal accountability*

#### UNITED STATES CODE, TITLE 20

6311 *Accountability, adequate yearly progress*

6312 *Local educational agency plan*

6316 *School and district improvement*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 *Adequate yearly progress*

200.30-200.35 *Identification of program improvement schools*

200.36-200.38 *Notification requirements*

200.52-200.53 *District improvement*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Governance*

#### WEB SITES

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

California Department of Education, Accountability: <http://www.cde.ca.gov/ta/ac>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>



**TITLE I PROGRAM IMPROVEMENT SCHOOLS**

The Board of Education is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education.

Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), the Superintendent or designee shall ensure that school improvement efforts are coordinated and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.

Depending on the length of time a district school has been identified for PI, the district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.

**Program Evaluation**

The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC 6316)

The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC 6316)

As necessary based on the results of these evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

*Legal Reference: (see next page)*

**TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**

*Legal Reference:*

EDUCATION CODE

35256 School accountability report card

60642.5 California Standards Tests

60850-60856 High School Exit Examination

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

13075-13075.4 Supplemental educational services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6316 School improvement

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.39-200.43 Requirements for program improvement, corrective action, and restructuring

200.44 School choice option

200.45-200.47 Supplemental educational services

200.48 Funding for transportation and supplemental services

200.49-200.51 State responsibilities

200.52-200.53 District improvement

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008 Adequate Yearly Progress Report Information Guide, August 2008

California's Accountability Workbook

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, January 14, 2009

Supplemental Educational Services, January 14, 2009

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp> U.S. Department of Education, No Child Left

Behind: <http://www.nclb.gov>

**TITLE I PROGRAM IMPROVEMENT DISTRICTS**

The Board of Education shall annually review and analyze the district's performance in making adequate yearly progress (AYP) toward student achievement standards, in accordance with criteria established by the State Board of Education (SBE). The Board's review shall include an evaluation of whether district improvement efforts are aligned and adequately focused on increasing achievement levels for all students. As necessary, the Board and the Superintendent or designee shall take steps to improve district operations and programs to enable students to achieve proficiency.

**Year 1-2 PI: Revision and Implementation of LEA Plan**

In the event that the district is identified for PI by the CDE, the Superintendent or designee shall, in accordance with law and administrative regulation, notify parents/guardians, administer a district self-assessment process, and revise the LEA plan. (20 USC 6316; Education Code 52055.57)

The revised LEA plan or plan addendum shall be approved by the Board and submitted to the CDE. The Superintendent or designee shall regularly report to the Board regarding the implementation of the plan during Years 1 and 2 of the program.

The Superintendent or designee shall utilize available state and local resources to identify specific problems contributing to low student achievement and provide technical assistance and support to resolve those problems. He/she also shall work closely with individual school sites to raise student achievement in accordance with school plans.

**Year 3 PI: Corrective Action**

If the district does not make AYP after two years of receiving program funding, the Board shall cooperate with the Superintendent of Public Instruction (SPI) and the SBE in the identification and implementation of appropriate corrective actions.

The Board shall enter into a contract with a district assistance and intervention team (DAIT) whenever the SPI and SBE determine this to be the most appropriate corrective action. Upon receiving a report of recommendations from the DAIT: (Education Code 52055.57, 52059)

1. The Board may, not later than 30 days after completion of the report, appeal to the SPI to be exempted from implementing one or more of the report's recommendations.
2. Not later than 60 days after completion of the report, the Board shall, at a regularly scheduled meeting, adopt the report recommendations, as modified by any exemptions granted by the SPI.

**TITLE I PROGRAM IMPROVEMENT DISTRICTS** (continued)

The Superintendent or designee shall establish a district leadership team to collaborate with the DAIT in the development and implementation of an action plan to address high-priority needs. This team may include site and district administrators, teacher leaders, special education teachers, English learner experts, fiscal officers, and other key personnel, as appropriate.

The Superintendent or designee shall monitor the district's progress in implementing the DAIT's recommendations and shall continually use student performance data to determine whether additional district or school site changes are necessary to improve student achievement.

*Legal Reference:*EDUCATION CODE

52055.57-52055.59 *Districts identified or at risk of identification for program improvement*

52059 *Statewide system of school support*

UNITED STATES CODE, TITLE 20

6301 *Title I program purpose*

6311 *Adequate yearly progress*

6312 *Local educational agency plan*

6316 *School and district improvement*

6321 *Fiscal responsibilities*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 *Adequate yearly progress*

200.30-200.35 *Identification of program improvement schools*

200.36-200.38 *Notification requirements*

200.52-200.53 *District improvement*

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Blueprint for District Assistance and Intervention, 2008*

*2007 Adequate Yearly Progress Report Information Guide, August 2007*

*A Training Guide for Local Educational Agencies and Schools: Program Improvement, September 2006*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*LEA and School Improvement Non-Regulatory Guidance, rev. July 21, 2006*

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

**CONCEPTS AND ROLES**

The Board of Education desires to represent the community and provide leadership in addressing community issues related to education. In order to identify community concerns and enlist support for the schools, the Board will consider effective two-way communication systems between schools and the community.

Schools, parents/guardians, community members and local organizations must continually collaborate as partners. The Board and the Superintendent or designee will consider working together with city and county agencies and organizations to promote and facilitate coordinated services for children, and shall seek to develop partnerships with local businesses.

The Board recognizes that schools are an important community resource and encourages community members to make appropriate use of school facilities. Community members are also encouraged to attend Board meetings, participate in school activities, and take an active interest in issues that affect the schools. The Board and Superintendent or designee will work to keep community members well informed about district needs and accomplishments and shall ensure that they have opportunities to share in developing educational policies, programs and evaluation processes.

The Board recognizes that its ability to fulfill the community's expectations for a high-quality educational program depends on the level of support provided by the state and federal government as well as the community. The Board therefore shall study legislative processes and issues, establish ongoing relationships with state and local leaders and the media, adopt positions on key issues, set priorities for advocacy, and collaborate with other organizations and coalitions in legislative and legal advocacy efforts.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35172 Promotional activities*

**DISTRICT AND SCHOOL WEB SITES**

To enhance communication with students, parents/guardians, staff, and community members, the Board of Education encourages the Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

**Design Standards**

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

**Guidelines for Content**

The Superintendent or designee shall develop content guidelines for district and school web sites and shall assign staff to review and approve content prior to posting.

**Privacy Rights**

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

*Legal Reference: (see next page)*

**DISTRICT AND SCHOOL WEB SITES (continued)**

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts for advertising*  
35258 *Internet access to school accountability report cards*  
48907 *Exercise of free expression; rules and regulations*  
48950 *Speech and other communication*  
49061 *Definitions, directory information*  
49073 *Release of directory information*  
60048 *Commercial brand names, contracts or logos*

GOVERNMENT CODE

3307.5 *Publishing identity of public safety officers*  
6254.21 *Publishing addresses and telephone numbers of officials*  
6254.24 *Definition of public safety official*  
11135 *Nondiscrimination; accessibility to state web sites*

PENAL CODE

14029.5 *Prohibition against publishing personal information of person in witness protection program*

UNITED STATES CODE, TITLE 17

101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

1232g *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

794 *Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

COURT DECISIONS

*Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112*

*Management Resources:*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*Accessibility of State and Local Government Websites to People with Disabilities, June 2003*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

*Web Content Accessibility Guidelines, December 2008*

WEB SITES

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

California Department of Education, *Web Accessibility Standards:*

<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

California School Public Relations Association: <http://www.calspra.org>

U.S. Department of Justice, *Americans with Disabilities Act:* <http://www.ada.gov>

World Wide Web Consortium, *Web Accessibility Initiative:* <http://www.w3.org/wai>

**FORMAL STAFF DEVELOPMENT, BOARD CLOSED/STUDY SESSION, AND RECOGNITION CEREMONY EXPENSES**

The Board of Education recognizes the need for formal staff development programs, Board closed/study sessions, and recognition ceremonies which further the purpose of the educational program. Such events encourage efficiency and improve climate within the district.

The Superintendent or designee may authorize expenditures for plaques, certificates, or insignia for meritorious service as well as refreshments and other related expenses for recognition ceremonies, Board closed/study sessions, and formal staff development programs.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*44015 Awards to employees and students*

CALIFORNIA CONSTITUTION

*Article 16, Section 6 Gifts of public funds*



**POLITICAL PROCESSES**

The Board of Education has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

**Ballot Measures/Candidates**

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

## **POLITICAL PROCESSES** (continued)

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.
2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

## **Legislation**

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

**POLITICAL PROCESSES** (continued)

**Legal Advocacy**

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

**Political Forums**

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

*Legal Reference: (see next page)*

**POLITICAL PROCESSES** (continued)

*Legal Reference:*

EDUCATION CODE

7050-7058 *Political activities of school officers and employees, including:*

7054 *Use of district property*

7054.1 *Requested appearance*

7056 *Soliciting or receiving political funds*

35160 *Authority of governing boards*

35172 *Promotional activities*

ELECTIONS CODE

9501 *School district elections, arguments for or against a measure*

GOVERNMENT CODE

8314 *Unlawful use of state resources*

53060.5 *Attendance at legislative body; expenses*

54953.5 *Right to record proceedings*

54953.6 *Broadcasts of proceedings*

81000-91015 *Political Reform Act, including:*

82031 *Definition of independent expenditure*

CODE OF REGULATIONS, TITLE 2

18600-18640 *Lobbyists*

18901.1 *Campaign related mailings sent at public expense*

COURT DECISIONS

Vargas v. City of Salinas, (2009) 46 Cal. 4th 1

Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229

Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529

Miller v. Miller, (1978) 87 Cal.App.3d 762

Stanson v. Mott, (1976) 17 Cal. 3d 206

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 46 (2005)

73 Ops.Cal.Atty.Gen. 255 (1990)

*Management Resources:*

CSBA PUBLICATIONS

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

Policy  
adopted:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California

**COMMUNITY/PARENTAL SUPPORT GROUPS**

The Board of Education looks upon school support groups as an integral part of the district which can aid substantially in promoting an effective educational program.

The Board encourages the participation of community/parental support groups. The Board welcomes involvement from such groups who have a sincere desire to improve the quality of the educational or co-curricular program and assist schools to perform their tasks more effectively.

The Board encourages administration, staff, and employee organizations to be supportive and accommodating to the activities of these groups. Each group prior to receiving recognition and the privileges of representation shall submit a statement of purpose, intent, and regulation(s) governing the group's involvement to the appropriate administrator for review and approval.

Periodically, district and site administration will conscientiously evaluate the productivity and impact of community/parental support groups and when deemed appropriate give accommodations and recommendations to the group.

**PARENT-TEACHER ASSOCIATIONS**

1. The district Council of Parent-Teacher Associations as well as the individual units shall be considered auxiliaries of the district and the schools.
2. Certificated staff members are encouraged to support the PTA as dues-paying, active members.
3. Teachers and administrators shall assist in the interpretation of schools to the membership of the association through programs and individual contacts.

**STUDENT PICTURE SERVICES - ELEMENTARY/SECONDARY**

The tradition of providing school pictures in the public school has a variety of benefits to both the school and the students including: immediate identification of students by school personnel, maintenance of school spirit through individual and group pictures of school activities, source of revenues to student body accounts, and creation of a learning experience for students involved.

Elementary schools are encouraged to cooperate with local PTA units for providing student picture services. Elementary student pictures shall be guided by the following factors:

1. Elementary student picture services are basically a PTA-sponsored and supervised activity.
2. The school's PTA unit's committee interviews and selects a photographer based on an evaluation of at least the following criteria:
  - a. Ability to deliver student pictures at a specified time.
  - b. Ability to schedule satisfactory picture-taking time.
  - c. Quality of product and/or references.
  - d. Ability to work with and trust PTA leaders and volunteers.
  - e. Capability to handle large numbers of children with efficiency.
  - f. Firm has an established reputation in taking school pictures.
  - g. Ability to follow up on problems.
3. PTA determines content of package and determines profit margin.
4. School principal determines what school services are required, including, but not necessarily limited to:
  - a. Cum folder pictures
  - b. Office I.D. pictures
  - c. School record sets of class pictures

An elementary school whose PTA unit does not provide student picture services, shall be governed by The Student Picture Services - Secondary policy.

**STUDENT PICTURE SERVICES - ELEMENTARY/SECONDARY (continued)**

**Student Pictures - Service Agreement - Secondary**

On or prior to February 1 of each year, the secondary schools shall submit their specifications regarding requirements for both senior pictures/portraits and I.D. pictures including ASB cards and yearbook photographic requirements to the Business Office.

The specifications shall include, but not be limited to:

1. Picture specifications including color, backgrounds, etc.
2. Due dates for completion of each aspect of the production.
3. Dates for pictures and re-takes.
4. Other specifications as determined by the needs of the specific school.
5. Duration of contract.
6. Number of students involved.
7. References as specified

On or prior to March 1, the Purchasing Office shall publish and advertise the specifications for each secondary school. Specifications will be separated into two categories: 1) senior pictures/portraits; and 2) I.D. pictures. It shall be the responsibility of the potential vendors to notify the Purchasing Office so that a copy of the specifications can be made available. At the time of submitting a request to be listed to receive the announcement calling for bids, the vendor is to provide Purchasing Office a sample of its service agreement. It shall be the responsibility of Purchasing to maintain a current list of vendors.

The senior picture provided by the successful vendor/bidder is the only picture acceptable for publication in the yearbook.

On or prior to April 1, prospective vendors shall submit written bids directly to the secondary school for which they are making their bid. Bids must be presented by category. The principal of each secondary school shall establish a decision making team who will evaluate the bids. The following criteria will be used to evaluate the bids:

1. Cost of the package to the student.
2. Availability of studio services to the student.
3. Quality of production.



**STUDENT PICTURE SERVICES - ELEMENTARY/SECONDARY** (continued)

4. Past performance with district schools.
5. Availability of service to the Annual advisor, including:
  - a. Candid pictures of athletic activities.
  - b. Pictures of groups and organizations.
  - c. Faculty pictures.
  - d. Homecoming court and ASB activities.
  - e. Pick up and deliver negatives and prints.
  - f. Additional services to be provided such as, furnishing film and cameras and any other physical property to the school and/or employees for use shall be set forth.

On or prior to April 15, the school shall make written notification to the successful vendor for each category named above. One vendor may receive both service agreements or a separate vendor may be selected for each service.

The actual signing of the services agreements shall take place as soon as service agreement is mutually agreed upon, but in no case later than June 1. Multi-year service agreements may be signed providing the original specifications indicate that option within the specifications.

Termination of the signed service agreement shall be specified within the language of the service agreement and specific language shall be included indicating grounds for termination by either party prior to the end of the service agreement obligation.

**CITIZEN ADVISORY COMMITTEES**

The Board of Education recognizes that citizen advisory committees enable the Board to better understand the interests and concerns of the community.

The Board shall establish citizen advisory committees when required by law, to strengthen the effectiveness of district and school operations, or to enhance student learning. The purpose of any such committees shall be clearly defined and aligned to the district's vision, mission, and goals. The Board may dissolve any advisory committee not required by law when the committee has fulfilled its duties or at any time the Board deems it necessary.

The Superintendent or designee may establish advisory committees which shall report to him/her in accordance with law, Board policy, and administrative regulation.

Citizen advisory committees shall serve in an advisory capacity; they may make recommendations, but their actions shall not be binding on the Board or Superintendent.

The membership of citizen advisory committees should reflect the diversity of the community and represent a diversity of viewpoints.

The Superintendent or designee shall provide training and information, as necessary, to enable committee members to understand the goals of the committee and to fulfill their role as committee members.

*Legal Reference: (see next page)*

**CITIZEN ADVISORY COMMITTEES (continued)**

*Legal Reference:*

EDUCATION CODE

8070 Career technical education advisory committee  
11503 Parent involvement program  
15278-15282 Citizens' oversight committee  
15359.3 School facilities improvement districts  
17387-17391 Advisory committees for use of excess school facilities  
35147 School site councils and advisory committees  
41505-41508 Pupil Retention Block Grant  
41570-41573 School and Library Improvement Block Grant  
44032 Travel expense payment  
52176 Advisory committees, limited-English proficient students program  
52852 Site council, school-based program coordination  
54425 Advisory committees, compensatory education  
54444.1-54444.2 Parent advisory councils, services to migrant children  
56190-56194 Community advisory committee, special education  
62002.5 Continuing parent advisory committees

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 School site council

GOVERNMENT CODE

810.2 Tort claims act, definition employee  
810.4 Tort claims act, definition employment  
815.2 Injuries by employees within scope of employment  
820.9 Members of local public boards not vicariously liable  
6250-6270 California Public Records Act  
54950-54963 Brown Act

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Leadership: Community Leadership, 1996

WEB SITES

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

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

**SCHOOL SUPPORT GROUPS/BOOSTER CLUBS**

The Board of Education recognizes that parents/guardians and community members may wish to organize booster clubs to support special programs. These programs may include athletic teams, cheer teams, school musical groups, and other activities which provide positive extracurricular involvement for students.

The Board supports such activities and welcomes the interest and participation of parents/guardians and community members in various aspects of student life. However, the Board expects booster clubs to benefit the entire school program, not one activity at the expense of another.

The Superintendent is directed to develop administrative regulations:

1. Which will establish that booster clubs are not functions of the school or district
2. Which will establish that such clubs function on school campuses only with the continual approval of the administration
3. Which provide for the establishment of school-club liaison
4. Which provide for acceptance of gifts of uniforms, equipment, or money
5. Which provide that balance is to be maintained in the extra-curricular program
6. Which provides for annual plans for booster activities including fund raising, purchases, and other activities to be approved by the administration
7. Which requires annual financial reports to be submitted to the administration

*Legal Reference: (see next page)*

**SCHOOL-CONNECTED ORGANIZATIONS (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*  
35160 *Authority of governing boards*  
38130-38138 *Civic Center Act, use of school property for public purposes*  
48931 *Authorization for sale of food by student organization*  
48932 *Authorization for fund-raising activities by student organization*  
49431 *Sale of food to elementary students during the school day*  
49431.2 *Sale of food to middle, junior, or high school students*  
49431.5 *Sale of beverages at elementary, middle, or junior high schools*  
51520 *Prohibited solicitation on school premises*  
51521 *Fund-raising project*

BUSINESS AND PROFESSIONS CODE

17510-17510.95 *Solicitations for charitable purposes*  
25608 *Alcohol on school property; use in connection with instruction*

GOVERNMENT CODE

12580-12599.7 *Fundraisers for Charitable Purposes Act*

PENAL CODE

319-329 *Lottery, raffle*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs*  
15500 *Food sales in elementary schools*  
15501 *Food sales in high schools and junior high schools*

CODE OF REGULATIONS, TITLE 11

300-312.1 *Fundraising for charitable purposes*

UNITED STATES CODE, TITLE 20

1681-1688 *Discrimination based on sex or blindness, Title IX*

COURT DECISIONS

*Serrano v. Priest, (1976) 18 Cal. 3d 728*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 *School District Liability and "Hold Harmless" Agreements, LO: 4-89*

WEB SITES

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

California Office of the Attorney General, charitable trust registry: <http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

**VOLUNTEER ASSISTANCE**

The Board of Education recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

The Superintendent or designee shall develop and implement a plan for recruiting, screening, and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors to students and/or make appropriate referrals to community organizations.

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

The Board encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads, and comply with employee negotiated agreements.

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021)

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

**Qualifications**

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Prior to assuming a volunteer position to work with students in a district-sponsored student activity program, a volunteer shall obtain both a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

**VOLUNTEER ASSISTANCE** (continued)

A volunteer who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)

*Legal Reference:*

EDUCATION CODE

8482-8484.6 *After School Education and Safety program*  
8484.7-8484.9 *21st Century Community Learning Center program*  
35021 *Volunteer aides*  
35021.1 *Automated records check*  
35021.3 *Registry of volunteers for before/after school programs*  
44010 *Sex offense; definition*  
44227.5 *Classroom participation by college methodology faculty*  
44814-44815 *Supervision of students during lunch and other nutrition periods*  
45125 *Fingerprinting requirements*  
45125.01 *Interagency agreements for criminal record information*  
45340-45349 *Instructional aides*  
45360-45367 *Teacher aides*  
49024 *Activity Supervisor Clearance Certificate*  
49406 *Examination for tuberculosis*

GOVERNMENT CODE

3543.5 *Prohibited interference with employees' rights*

HEALTH AND SAFETY CODE

1596.871 *Fingerprints of individuals in contact with child day care facility clients*

LABOR CODE

1720.4 *Public works; exclusion of volunteers from prevailing wage law*  
3364.5 *Persons performing voluntary services for school districts*

PENAL CODE

290 *Registration of sex offenders*  
290.4 *Information re: sex offenders*  
290.95 *Disclosure by person required to register as sex offender*

CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*  
101216 *Health screening, volunteers in child care centers*

UNITED STATES CODE, TITLE 20

6319 *Qualifications and duties of paraprofessionals, Title I programs*

ATTORNEY GENERAL OPINIONS

62 *Ops. Cal. Atty. Gen. 325 (1979)*

COURT DECISIONS

*Whisman Elementary School District, (1991) PERB Decision No. 868*

*Management Resources: (see next page)*

**VOLUNTEER ASSISTANCE** (continued)

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

*10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010*

WEB SITES

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

*California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>*

*California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>*

*California Parent Teacher Association: <http://www.capta.org>*

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

*National Coalition for Parent Involvement in Education: <http://www.ncpie.org>*

*National Parent Teacher Association: <http://www.pta.org>*



**VISITORS/OUTSIDERS**

The Board of Education believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

**Presence of Sex Offender on Campus**

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

*Legal Reference: (see next page)*

**VISITORS/OUTSIDERS** (continued)

*Legal Reference:*

EDUCATION CODE

32210 *Willful disturbance of public school or meeting*

32211 *Threatened disruption or interference with classes; misdemeanor*

32212 *Classroom interruptions*

35160 *Authority of governing boards*

35292 *Visits to schools (board members)*

49091.10 *Parental right to inspect instructional materials and observe school activities*

51101 *Parent Rights Act of 2002*

51512 *Prohibited use of electronic listening or recording device*

EVIDENCE CODE

1070 *Refusal to disclose news source*

LABOR CODE

230.8 *Discharge or discrimination for taking time off to participate in child's educational activities*

PENAL CODE

290 *Sex offenders*

626-626.10 *Schools*

626.81 *Misdemeanor for registered sex offender to come onto school grounds*

627-627.10 *Access to school premises, especially:*

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

COURT DECISIONS

*Reeves v. Rocklin Unified School District*, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 *Ops. Cal. Atty. Gen.* 509 (1996)

**EDUCATIONAL FOUNDATION**

The Board of Education recognizes the importance of community support of district programs, including voluntary financial contributions, to assist the district in achieving its goals for student learning.

The Board desires to work cooperatively with the educational foundation in determining the purposes for which funds may be used to meet the changing needs of the district and its students. The Board recognizes that an educational foundation is a separate legal entity, independent of the district. However, the foundation is encouraged to provide regular reports to the Board on the status of its work and to communicate ways that the district can help support the foundation's activities.

With the consent of the Superintendent or designee, the educational foundation, as appropriate, may use the district's name, a school's name, a school team's name, or any logo attributable to a school or the district.

*Legal Reference:*

EDUCATION CODE

38130-38138 *Civic Center Act, use of school property for public purposes*

BUSINESS AND PROFESSIONS CODE

12580-12599.7 *Fundraisers for Charitable Purposes Act*

17510-17510.95 *Solicitations for charitable purposes*

25608 *Alcohol on school property; use in connection with instruction*

PENAL CODE

319-329 *Lottery, raffle*

CODE OF REGULATIONS, TITLE 11

300-312.1 *Fundraising for charitable purposes*

COURT DECISIONS

*Serrano v. Priest, (1976) 18 Cal. 3d 728*

*Management Resources:*

WEB SITES

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

California Consortium of Education Foundations: <http://www.cceflink.org>

California Office of the Attorney General, charitable trust registry: <http://caag.state.ca.us/charities>

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Board of Education accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

*Legal Reference:*

EDUCATION CODE

33308.1 *Guidelines on procedure for filing child abuse complaints*

35146 *Closed sessions*

44031 *Personnel file contents and inspection*

44811 *Disruption of public school activities*

44932-44949 *Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)*

48987 *Child abuse guidelines*

GOVERNMENT CODE

54957 *Closed session; complaints re employees*

54957.6 *Closed session; salaries or fringe benefits*

PENAL CODE

273 *Cruelty or unjustifiable punishment of child*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction of juvenile court*

*Management Resources:*

CDE LEGAL ADVISORIES

0910.93 *Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)*

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

The Board of Education uses a comprehensive process to adopt district instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of parents/guardians and community members. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation.

The district shall accept complaints concerning instructional materials only from staff, district residents, or the parents/guardians of children enrolled in a district school.

When deliberating upon challenged materials, the Superintendent and/or review committee shall consider the educational philosophy of the district, the professional opinions of teachers of the subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's stated objectives in using the materials, community standards, and the objections of the complainant.

Complainants are encouraged to accept the Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the Board.

The district's decision shall be based on educational suitability of the materials and the criteria established in Board policy and administrative regulation.

When any challenged instructional material is reviewed by the district, it shall not be subject to further reconsideration for 12 months, unless the Superintendent determines that reconsideration is warranted.

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the district's Williams uniform complaint procedure at AR 1312.4.

*Legal Reference: (see next page)*

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

- 18111 Exclusion of books by governing board*
- 35010 Control of district; prescription and enforcement of rules*
- 35186 Williams Uniform Complaint Procedures*
- 44805 Enforcement of course of studies; use of textbooks, rules and regulations*
- 51501 Subject matter reflecting on race, color, etc.*
- 60000-60005 Instructional materials, legislative intent*
- 60040-60048 Instructional requirements and materials*
- 60119 Public hearing on sufficiency of materials*
- 60200-60206 Elementary school materials*
- 60226 Requirements for publishers and manufacturers*
- 60400-60411 High school textbooks*
- 60510-60511 Donation of sale of obsolete instructional materials*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

*1002.90 Selection of Instructional Materials, CIL: 90/91-02*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001*

WEB SITES

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

*California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>*

**UNIFORM COMPLAINT PROCEDURES**

The Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff

**UNIFORM COMPLAINT PROCEDURES** (continued)

3. Teacher vacancies and misassignments

*Legal Reference:*

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 8200-8498 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedures
- 35186 Williams uniform complaint procedures
- 37254 Intensive instruction and services for students who have not passed exit exam
- 41500-41513 Categorical education block grants
- 48985 Notices in language other than English
- 49010-49013 Student fees
- 49060-49079 Student records
- 49490-49590 Child nutrition programs
- 52160-52178 Bilingual education programs
- 52300-52490 Career technical education
- 52500-52616.24 Adult schools
- 52800-52870 School-based program coordination
- 54000-54028 Economic impact aid programs
- 54100-54145 Miller-Unruh Basic Reading Act
- 54400-54425 Compensatory education programs
- 54440-54445 Migrant education
- 54460-54529 Compensatory education programs
- 56000-56867 Special education programs
- 59000-59300 Special schools and centers
- 64000-64001 Consolidated application process

GOVERNMENT CODE

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

PENAL CODE

- 422.55 Hate crime; definition
- 422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

- 3080 Application of section
- 4600-4687 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

- 6301-6577 Title I basic programs
- 6601-6777 Title II preparing and recruiting high quality teachers and principals

*Legal Reference continued: (see next page)*



**UNIFORM COMPLAINT PROCEDURES** (continued)

*Legal Reference: (continued)*

UNITED STATES CODE, TITLE 20 (continued)

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

*Management Resources:*

WEB SITES

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

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

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

**SOLICITATION OF FUNDS FROM AND BY STUDENTS**

Schools shall cooperate with community organizations through participation in such drives and contests as they feel can be justified in terms of educational benefits to students.

Participation in drives and contests shall be governed by the provisions of the Education Code and administrative regulations.

*Legal Reference:*

EDUCATION CODE

51520 Prohibited solicitations on school premises

51521 Unlawful solicitations of contribution or purchase of personal property for benefit of public school or student body; exception

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Charitable solicitations

PENAL CODE

319-329 Raffles

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

*Management Resources:*

CSBA PUBLICATIONS

*Healthy Food Policy Resource Guide, 2003*

ATTORNEY GENERAL PUBLICATIONS

*Guide to Charitable Solicitation, 1999*

*Attorney General's Guide for Charities, 1988*

WEB SITES

Office of the Attorney General: <http://caag.state.ca.us>

**ADVERTISING AND PROMOTION**

The Board of Education desires to promote positive relationships between schools and the community in order to enhance community support and involvement in district schools. The Superintendent or designee may approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians
2. Distribution of promotional materials of a commercial nature to students or parents/guardians
3. Paid advertisements on school property, including but not limited to billboard advertisements
4. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications
5. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor.

Prior to distribution or publication, the Superintendent, principal or designee shall review and approve all advertising copy and promotional materials to ensure compliance with Board policy.

The Superintendent, principal or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.

The use of promotional materials or advertisements does not imply district endorsement of any identified products or services. Schools are encouraged to include a disclaimer in school publications and yearbooks stating that the school does not endorse any advertised products or services.

**Criteria for Approval**

The Superintendent, principal or designee shall not accept for distribution any materials or advertisements that:

1. Are obscene, libelous or slanderous

**ADVERTISING AND PROMOTION** (continued)

2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools
3. Discriminate against, attack or denigrate any group on account of any unlawful consideration
4. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children
5. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy
7. Distribute unsolicited merchandise for which an ensuing payment is requested

The Superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of students in the intended audience, and whether the materials or advertisements support the basic educational mission of the district, directly benefit the students or are of intrinsic value to the students or their parents/guardians.

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks. Such criteria may limit advertisements to those that contain congratulatory or commemorative messages, curriculum-related content, advertisements for products or services of interest to students, noncontroversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

*Legal Reference: (see next page)*

**ADVERTISING AND PROMOTION (continued)**

*Legal Reference:*

EDUCATION CODE

7050-7058 *Political activities of school officers and employees*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

U.S. CONSTITUTION

*Amendment 1, Freedom of speech and expression*

COURT CASES

*DiLoreto v. Downey Unified School District*, (1999) 196 F.3d 958

*Yeo v. Town of Lexington*, (1997) U.S. First Circuit Court of Appeals, No. 96-1623

*Hemry v. School Board of Colorado Springs*, (D.Col. 1991) 760 F.Supp. 856

*Bright v. Los Angeles Unified School District*, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350

*Lehman v. Shaker Heights*, (1974) 418 U.S. 298

**USE OF SCHOOL FACILITIES**

The Board of Education recognizes that district facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities by community groups for purposes provided for in the Civic Center Act when such use does not interfere with the educational functions of the school.

The Board believes that school facilities provide an important link between the district and community. The Board authorizes the use of school facilities without charge by nonprofit organizations, and clubs, or associations organized to promote youth and school activities. Other groups requesting the use of school facilities under the Civic Act shall be charged at least direct costs.

**Use of Facilities for Religious Services**

The Board may grant the use of school facilities or grounds for a church or religious organization to conduct religious services for temporary periods, on a one-time, or annual renewable basis, if the organization has no suitable meeting place and a charge is made representing the fair rental value.

*Legal Reference: (see next page)*

## USE OF SCHOOL FACILITIES (continued)

### *Legal Reference:*

#### EDUCATION CODE

10900-10914.5 *Community recreation programs*

32282 *School safety plan*

37220 *School holidays*

38130-38138 *Civic Center Act, use of school property for public purposes*

#### BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverage on school premises*

#### MILITARY AND VETERANS CODE

1800 *Definitions*

#### UNITED STATES CODE, TITLE 20

7905 *Equal access to public school facilities*

#### COURT DECISIONS

*Good News Club v. Milford Central School*, (2001) 533 U.S. 98

*Lamb's Chapel v. Center Moriches Union Free School District*, (1993) 508 U.S. 384

*Cole v. Richardson*, (1972) 405 U.S. 676

*Connell v. Higgenbotham*, (1971) 403 U.S. 207

*ACLU v. Board of Education of Los Angeles*, (1961) 55 Cal. 2d 167

*Ellis v. Board of Education*, (1945) 27 Cal. 2d 322

#### ATTORNEY GENERAL OPINIONS

82 *Ops. Cal. Atty. Gen.* 90 (1999)

79 *Ops. Cal. Atty. Gen.* 248 (1996)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 *School District Liability and "Hold Harmless" Agreements, LO: 4-89*

#### WEB SITES

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

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

**ACCESS TO DISTRICT RECORDS**

The Board of Education recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

*Legal Reference: (see next page)*



**ACCESS TO DISTRICT RECORDS (continued)**

*Legal Reference:*

EDUCATION CODE

- 35145 *Public meetings*
- 35170 *Authority to secure copyrights*
- 35250 *Duty to keep certain records and reports*
- 41020 *Requirement for annual audit*
- 42103 *Publication of proposed budget; hearing*
- 44031 *Personnel file contents and inspections*
- 44839 *Medical certificates; periodic medical examination*
- 49060-49079 *Pupil records*
- 49091.10 *Parental review of curriculum and instruction*
- 52850 *Applicability of article (School-Based Program Coordination Plan availability)*

GOVERNMENT CODE

- 3547 *Proposals relating to representation*
- 6250-6270 *California Public Records Act*
- 6275-6276.48 *Other exemptions from disclosure*
- 53262 *Employment contracts*
- 54957.2 *Minute book record of closed sessions*
- 54957.5 *Agendas and other writings distributed for discussion or consideration*
- 81008 *Political Reform Act, public records; inspection and reproduction*

CALIFORNIA CONSTITUTION

- Article I, Section 3 Right of access to governmental information*

CODE OF REGULATIONS, TITLE 5

- 430-438 *Individual pupil records*

COURT DECISIONS

*International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, (2007) 42 Cal.4th 319

*Los Angeles Times v. Alameda Corridor Transportation Authority*, (2001) 88 Cal.App.4th 1381

*Kleitman v. Superior Court*, (1999) 74 Cal.App. 4th 324

*Fairley v. Superior Court*, (1998) 66 Cal.App. 4th 1414

*North County Parents Organization for Children with Special Needs v. Department of Education*, (1994) 23 Cal.App. 4th 144

ATTORNEY GENERAL OPINIONS

71 *Ops.Cal.Atty.Gen.* 235 (1988)

64 *Ops.Cal.Atty.Gen.* 186 (1981)

*Management Resources: (see next page)*

**ACCESS TO DISTRICT RECORDS** (continued)

*Management Resources:*

ATTORNEY GENERAL PUBLICATIONS

*Summary of the California Public Records Act, 2004*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*The People's Business: A Guide to the California Public Records Act, 2008*

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

State Bar of California: <http://www.calbar.ca.gov>

**RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS**

The Board of Education recognizes that agencies at all levels of government share its concern and responsibility for the health, safety, and welfare of youth. The Board and Superintendent or designee shall initiate and maintain good working relationships with representatives of these agencies in order to help district schools and students make use of the resources which governmental agencies can provide.

The district may enter into agreements with other agencies which involve the exchange of funds or reciprocal services. Such agreements shall be approved by the Board and executed in writing.

**Elections/Voter Registration**

If a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

When a school is used as a polling place, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to disabled persons. (Elections Code 12283)

The Superintendent or designee shall designate a contact person at each high school for the Secretary of State to contact in order to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee shall provide the address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148)

To encourage students to participate in the elections process when they are eligible, the Superintendent or designee shall determine the most effective means of distributing the voter registration forms provided by the Secretary of State including, but not limited to, distributing the forms at the start of the school year, with orientation materials, at central locations, and/or with graduation materials.

**RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS** (continued)

*Legal Reference:*

EDUCATION CODE

- 10900-10914.5 Cooperative community recreation programs*
- 12400 Authority to receive and expend federal funds*
- 12405 Authority to participate in federal programs*
- 17050 Joint use of library facilities*
- 17051 Joint use of park and recreational facilities*
- 32001 Fire alarms and drills*
- 32288 Notice of safety plan*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 48902 Notification of law enforcement agencies*
- 48909 District attorney may give notice student drug use, sale or possession*
- 49305 Cooperation of police and California Highway Patrol*
- 49402 Contracts with city, county or local health departments*
- 49403 Cooperation in control of communicable disease and immunization*
- 51202 Instruction in personal and public health and safety*

ELECTIONS CODE

- 2145-2148 Distribution of voter registration forms*
- 12283 Polling places: schools*

WELFARE AND INSTITUTIONS CODE

- 828 Disclosure of information minors by law enforcement agency*
- 828.1 School district police department; disclosure of juvenile criminal records*

*Management Resources:*

WEB SITES

- CSBA: <http://www.csba.org>*
- California Secretary of State: <http://www.ss.ca.gov>*
- California Voter Foundation: <http://www.calvoter.org>*
- Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>*

**WAIVERS**

The Board of Education may request that the State Board of Education waive certain provisions of the Education Code, Title 5 regulations, or the federal law when such provisions prevent the district from offering its students the best possible educational program. The Superintendent or designee, advisory committees, or site councils shall identify the need for the Board to submit waiver requests and shall provide the Board with the necessary information to analyze the need for the waiver.

The Board shall hold a properly noticed public hearing on all waiver requests.

*Legal Reference:*

EDUCATION CODE

- 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 program for careers*
- 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*
- 52053-52055.55 Immediate Intervention for Underperforming Schools Program*
- 52055.600-52055.662 High Priority Schools Grant Program*
- 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 Coordinated Program*
- 54000-54028 Disadvantaged Youth Program*

*Legal Reference continued: (see next page)*

**WAIVERS** (continued)

*Legal Reference: (continued)*

EDUCATION CODE (continued)

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*  
60422 *Instructional materials funding realignment program*

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*  
13044 *Waivers*

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>*

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS**

The Board of Education recognizes that private industry and the schools have a mutual interest in maximizing student achievement in order to prepare students to be productive citizens and contribute to the economic health of the community. The Board shall encourage local business involvement in efforts that support the core mission and goals of the district and promote the academic, social, and physical well-being of students.

The Board and the Superintendent or designee may develop strategies to initiate business partnerships and communicate with business partners about district needs and priorities. The Superintendent or designee may assign district staff to coordinate community/business outreach efforts on behalf of the district and work to ensure equitable distribution of business involvement across all district schools.

Businesses and industry and/or their representatives may support district schools and programs by:

1. Volunteering in the classroom or school, providing special instructional programs or assemblies, and serving as tutors or mentors for individual students
2. Donating funds, products, instructional materials, or services that serve an educational purpose
3. Purchasing advertisements in school-sponsored publications or on school property in accordance with law and Board policy
4. Serving on advisory committees in order to provide business expertise or perspectives
5. Working with district staff to ensure the relevance and rigor of the district's career technical education program and providing work opportunities for students enrolled in these programs
6. Engaging in other activities approved by the Superintendent or designee that are designed to increase student learning or support school operations

The Board urges employers to further support the schools by recognizing their employees' needs as parents/guardians, accommodating their needs for child care, and supporting their involvement with their children's schools.

It is the policy of the Board that the district name, property and equipment shall not be used by a profit-making organization without prior approval by the Board.

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS** (continued)

*Legal Reference:*

EDUCATION CODE

8070 *Career technical education advisory committee*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

41030-41037 *Gifts and bequests*

51760-51769.5 *Work experience education*

52300-52499.66 *Career technical education*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act of 2006, especially:*

2354 *Local plan for career technical education, business involvement*

*Management Resources:*

CSBA PUBLICATIONS

*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006*

*Maximizing School Board Governance: Community Leadership, 1996*

COUNCIL FOR CORPORATE AND SCHOOL PARTNERSHIPS PUBLICATIONS

*A How-To Guide for School-Business Partnerships*

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Building Business Support for School Health Programs, 1999*

WEB SITES

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

California Consortium of Education Foundations: <http://www.cceflink.org>

California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/lsp/pf>

Council for Corporate and School Partnerships: <http://www.corpschoolpartners.org>

National Association of State Boards of Education: <http://www.nasbe.org>



**CONCEPTS AND ROLES**

The Board of Education recognizes that district administration performs essential roles and functions in support of student learning, including the provision of instructional support and services to schools as well as the responsible management of noninstructional operations. The Superintendent or designee may make decisions concerning district operations within the parameters of law and Board policy.

The Superintendent shall provide leadership in developing administrative regulations and organizational structures, decision-making processes, and staff action plans that allow the district to fulfill its vision and goals. The Superintendent helps shape the culture and environment of the district in a manner that focuses district operations on enhancing student achievement, encourages positive relationships within the community, and instills confidence in district schools.

The Board and Superintendent shall work together as a team in the exercise of district governance. The Board and Superintendent will work to establish protocols that describe how the governance team will operate, including, but not limited to, agreements regarding Board meeting operations and communications between the Superintendent and the Board.

Because the Superintendent is the only district employee who is directly selected and evaluated by the Board, the Board has a responsibility to ensure that the Superintendent possesses the skills and attributes that best meet the needs of the district.

The Board and Superintendent shall agree upon a system for evaluating the Superintendent, including the evaluation criteria, method, evaluation instrument, process, and timeline.

The Superintendent may delegate to other district staff any duties imposed upon him/her by the Board. This delegation shall not relieve the Superintendent of responsibility for actions taken by his/her designees.

*Legal Reference: (see next page)*

## CONCEPTS AND ROLES (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 35020 Duties of employees fixed by governing board*
- 35026 Employment of district superintendent by certain district*
- 35028 Qualifications for employment*
- 35029 Waiver of credential requirements*
- 35031 Term of employment*
- 35033 District superintendent for certain districts*
- 35034 District superintendent of certain districts*
- 35035 Powers and duties of superintendent*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 35161 Powers and duties generally*

### *Management Resources:*

#### CSBA PUBLICATIONS

- Maximizing School Board Governance: Superintendent Selection and Employment, 2006*
- Maximizing School Board Governance: Superintendent Evaluation, 2005*
- Superintendent Governance Standards, 2001*
- CSBA Professional Governance Standards, 2000*

#### WEB SITES

- CSBA: <http://www.csba.org>*
- American Association of School Administrators: <http://www.aasa.org>*
- Association of California School Administrators: <http://www.acsa.org>*

**SUPERINTENDENT OF SCHOOLS**

The working relationship between the Board of Education and the Superintendent can be best strengthened by keeping each other informed, being tolerant and open-minded, understanding the difference between the legal roles and functions of both parties, and assuming their proper decision-making role.

The Board represents the public and sets the general direction in which the schools are to be operated. The Superintendent provides the technical and professional competence to implement Board directives and manage the schools.

The Board and Superintendent need to continually assess their ways of working together in order to provide effective and efficient leadership for the students, staff, and community.

The goals of the Superintendent are:

1. To lead the staff toward the fulfillment of goals set by the Board for the education of the students in the school district.
2. To preserve and improve the property of the school district in the condition of greatest utility to the educational program.

The Superintendent shall be directly responsible to the Board and serve as Secretary to the Board to:

1. Issue written notices and notify all Board members of Board meetings.
2. Prepare and distribute the Board agenda and Board minutes.
3. Prepare and maintain reports as required by law.
4. Handle and care for all school district and Board records and documents.
5. Certify or attest to actions taken by the Board when required.
6. Enter into contracts on behalf of the Board.
7. Prepare a tentative calendar for the next school year for action by the Board at the annual organization meeting.
8. Submit all correspondence addressed to the President or to the Board.
9. Submit all correspondence addressed to the Clerk of the Board.

**SUPERINTENDENT OF SCHOOLS** (continued)

10. Forward to Board member copies of all correspondence requested by an individual member.
11. Keep the Board fully and regularly informed regarding the effectiveness of existing policies and procedures.
12. Act as adviser to the Board in all matters pertaining to the welfare of the schools.
13. Assist the Board in annually establishing its priority objectives which become the Superintendent's chief administrative tasks.
14. Schedule workshops, conferences, and conventions for inservice training for the Board.
15. Provide legal services for the Board to assure proper operation of the educational programs of the school district.
16. Maintain a calendar of the Board's unfinished business and remind the Board of its own decisions concerning scheduling these items.
17. Call to the attention of the Board legal provisions, forms, and requirements in those matters for which the Secretary is responsible.

*Legal Reference: (see next page)*

**SUPERINTENDENT OF SCHOOLS** (continued)

*Legal Reference:*

EDUCATION CODE

220 Prohibition of discrimination  
35026 Employment of superintendent by board  
35028 Certification  
35029-35029.1 Waiver of credential requirement  
35031 Term of employment  
44420-44440 Revocation and suspension of certification documents

GOVERNMENT CODE

11135 Unlawful discrimination  
12900-12996 California Fair Employment and Housing Act  
53260-53264 Employment contracts  
54954 Time and place of regular meetings  
54957 Closed session personnel matters  
54957.1 Closed session, public report of action taken

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

UNITED STATES CODE, TITLE 29

794 Section 504 of the Vocational Education Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

106.9 Dissemination of nondiscrimination policy

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Selection and Employment

WEB SITES

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

ACSA: <http://www.acsa.org>

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

Office of Civil Rights: <http://www.ed.gov/offices/OCR>

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

**SUPERINTENDENT RESPONSIBILITIES AND DUTIES**

The Board of Education desires to establish a productive working relationship with the Superintendent and to ensure that the work of the Superintendent is focused on student learning and achievement and the attainment of the district's vision and goals. The Board also desires to provide a fair basis for holding the Superintendent accountable. The responsibilities of the Superintendent are detailed in law, in the Superintendent's contract, and throughout Board policies and administrative regulations.

The Board shall clarify expectations and goals for the Superintendent at the beginning of every evaluation year.

As the chief executive officer of the district, the Superintendent shall implement all Board decisions and manage the instructional and noninstructional operations of the schools. The Superintendent also serves as a member of the district's governance team and has responsibilities to support Board operations and decision making.

The Superintendent may delegate any of his/her responsibilities and duties to other district staff, but he/she remains accountable to the Board for all areas of operation under the Superintendent's authority.

The Superintendent shall be responsible for creating an organizational chart. This chart shall serve to insure the efficiency and progress of the district.

The Superintendent shall have authorization to review and recommend changes to the organizational chart that capitalize on the Superintendent's strengths in relationship to the strengths and skills of the administrative staff.

*Legal Reference:*

EDUCATION CODE

17604 *Delegation of powers to agents*

17605 *Delegation of authority to purchase supplies, equipment and services*

35020-35046 *Powers and duties of superintendent*

48900 *Authority of superintendent to recommend suspension or expulsion*

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance

Superintendent Governance Standards, 2001

WEB SITES

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

American Association of School Administrators: <http://www.aasa.org>

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

**SUPERINTENDENT'S RESPONSIBILITIES FOR CURRICULUM AND INSTRUCTION**

1. Provide overall leadership for the educational program and operation of the school system.
2. Provide for the supervision of instruction, control and management of students, and be responsible for the formulation of curricula and courses of study.
3. Direct curriculum design subject to the limitation of:
  - a. Costs identified within approved budgets
  - b. Available facilities, materials and personnel
  - c. Board adopted policy
  - d. Curriculum to be designed
  - e. Results to be achieved in student learning and operational effectiveness
  - f. Legal considerations
4. Prepare for the evaluation of learning through testing and other types of appraisal.
5. Approve methods of instruction to be used in the classroom.
6. Provide for the continuous revision of curriculum and present these for review and adoption by the Board of Education.
7. Recommend need for instructors in the various curricular offerings.
8. Schedule classes for various types of training and assign appropriate space.
9. Direct the work of curriculum and instruction consultants as employed by the Board.
10. Direct the most favorable learning environment for students in order to:
  - a. Encourage adaptability in permitting the scheduling of innovations
  - b. Approve multiple age and grouping patterns for students

**SUPERINTENDENT'S RESPONSIBILITIES FOR CURRICULUM AND INSTRUCTION** (continued)

11. Provide for the selection of instructional materials, textbooks, library books, supplies and their proper purchase, distribution and use.
12. Provide for the supervision and evaluation of programs for students who require special attention such as speech handicapped, physically handicapped, mentally handicapped, emotionally disturbed, the gifted, and others.



**SUPERINTENDENT'S RESPONSIBILITIES FOR STUDENTS**

1. Administer all schools and classes established by the Board of Education.
2. Provide leadership and guidance in establishing the pattern of education to be offered to students.
3. Direct the institution, guidance, and discipline of all students.
4. Notify the parents/guardian, the principal, and the teacher of expulsion and/or the reinstatement of students.
5. Assign students to the different schools or grades as may improve their education, reduce the expense of maintaining schools or relieve overcrowded conditions subject to the approval of the Board.
6. Enforce the compulsory attendance law and the issuance of work permits.
7. Establish procedures to account for student attendance, determine the causes of habitual truancy, and work toward correcting the causes of truancy in cooperation with private and governmental agencies.
8. Insure that practices and procedures for providing students with due process in disciplinary matters be communicated to staff and monitored by administrators.
9. Provide for health counseling, teaching students the responsibility for maintaining their own good health, observing the health of students and health education.
10. Has immediate authority to close the schools in case of emergency involving the health and safety of students.

The transfer, guidance, and discipline of students is primarily the responsibility of the Superintendent with the exception of the expulsion of students which the Board may not delegate.

**SUPERINTENDENT'S RESPONSIBILITIES FOR PERSONNEL**

1. Coordinate and be accountable for the accomplishments and evaluation of administrators and other central administrative staff.
2. Make offers of employment to all personnel for election by the Board of Education.
3. Determine that each employee requiring certification has a valid credential authorizing service in a position to which the individual is assigned.
4. Assign all employees to positions with a clear definition of duties.
5. Direct, supervise, and evaluate the work of all employees with the assistance of the appropriate administrators.
6. Provide for securing and assigning substitutes for employees who are absent and adjust substitute daily rates as necessary in case of an employee concerted action.
7. Fill temporary vacancies subject to ratification by the Board.
8. Develop and maintain personnel handbooks and directories.
9. Transfer personnel from one location to another when such a transfer is in the best interest of the district and in accordance with collective bargaining contracts.
10. Provide for and evaluate inservice training for certificated, administrative and classified personnel.
11. Develop evaluative criteria for measuring employee effectiveness.
12. Recommend dismissal or disciplinary action of employees whenever there is evidence of unsatisfactory service within the limits of law, Board of Education policy, and collective bargaining contracts.
13. Develop and maintain adequate personnel records.

**Working Relationships between the Board and Superintendent Regarding Responsibilities for Personnel**

The Board desires to be guided by the recommendations of the Superintendent with regard to its relationships with certificated and classified personnel.

The Board agrees with the principle that individuals should be recommended for employment by the Superintendent before the Board grants employment. In cases where a recommendation for employment is contrary to the judgment of the Board, the Superintendent shall withdraw the recommendation and recommend one or more individuals from whom the Board may select.

**SUPERINTENDENT'S RESPONSIBILITIES FOR PERSONNEL**

In relations with employees, the Board agrees to refer all instances of approach by employees to the Superintendent for consideration and judgment. The Board may become involved only after referrals have been made to the Superintendent.

**SUPERINTENDENT'S RESPONSIBILITIES FOR FINANCE**

1. Establish procedures for involving representatives of the staff and community in developing the budget.
2. Establish a time schedule for the preparation of the budget calendar.
3. Determine the manner in which the annual budget is compiled.
4. Present a preliminary budget to the Board of Education based upon the needs of the school district which considers the funding available.
5. Interpret the annual budget for the Board.
6. Administer the budget after it is adopted and maintain expenditures within the established limits.
7. Provide for the legal expenditure of funds in accordance with the budget adopted by the Board.
8. Insure that all supervisory personnel assume responsibility for using the budget in a businesslike manner and do not exceed the funds allocated for each account or location.
9. Recommend inter-classification transfer of funds within the budget to the Board for approval and provide proper controls for execution of the budget.
10. Keep all financial accounts in a manner which allows for regular reports of the financial condition of the school district to the Board and the State of California.
11. Provide all possible economies that do not endanger the educational program and its results.
12. Prepare an annual fiscal report in writing showing in detail the income and expenditures for the past fiscal year as well as quarterly financial status reports.
13. Provide for the collection and receipt of all monies payable to the school district and keep an accurate account while depositing funds as required by law.
14. Supervise the general business procedures of the school district to secure the proper accounting of funds, supplies and equipment.
15. Seek to secure materials and supplies best suited to the educational needs of the school district.

**SUPERINTENDENT'S RESPONSIBILITIES FOR FINANCE** (continued)

16. Approve all contracts to be entered into by the school district or an individual on behalf of the school district.
17. Act as authorized agent for the school district and the Board in contracts between the school district and other governmental agencies.
18. Recommend an adequate program of insurance or self insurance in all phases of school district operation as prescribed by law.
19. Make proper reports and keep the Board fully advised as to the financial status of the district and all reasonable implications of that status.

**Working Relationships between the Board and Superintendent Regarding Responsibilities for Finance**

The Board in no way wishes to impair its discretionary powers in the management of the financial affairs of the school district.

The Board recognizes that it may not delegate to employees the final power of budgeting, purchasing and contracting. It therefore desires complete information from the Superintendent and staff on all matters relating to the financial operation of the school district.

The Board desires the Superintendent to shape, with the staff, the school district's financial program in accord with the declared intention of the Board to offer the best attainable program of education in the school district.

The Board desires to be informed whenever the curricular program is at odds with the financial ability of the school district.

**SUPERINTENDENT'S RESPONSIBILITIES FOR SCHOOL OPERATIONS**

1. Provide for the proper accounting of any and all funds that come under the control of the Board of Education.
2. Establish accounting procedures for property records and equipment inventories of all school property with their values.
3. Prepare interdistrict attendance agreements in accordance with legal and policy requirements of the Board.
4. Keep the Board informed regarding the formation and membership of such councils or committees.
5. Establish car allowances or travel expenses for members of the staff as necessary to complete school business in concurrence with Board Policy.
6. Recommend to the Board reconstruction and alterations of buildings.
7. Develop procedures for granting use of schools and authorizes the use and care of school property for special meetings or other purposes.
8. Develop procedures and supervise purchasing regulations, operations, and purchasing practices.
9. Develop procedures and supervise the maintenance and operations of equipment, building and grounds in order to insure cleanliness and the health, welfare and safety of students and employees.
10. Provide transportation for students within the limits established by the Board and supervise the transportation activities as they affect the safety of students.
11. Develop and supervise data processing operations, regulations, staffing, priorities, contracts and service.

**SUPERINTENDENT'S RESPONSIBILITIES FOR COMMUNICATIONS**

1. Serve as the major representative of the Board of Education with the public.
2. Establish and direct a communications program for providing the community with information about the schools, their activities, and the results of the educational program.
3. Represent the district by interpreting the educational program to parents/guardians, organizations, the press, and other community agencies in cooperation with the Board and staff members.
4. Represent the district by interpreting district policy to parents/guardians, organizations, the press, and other community agencies in cooperation with the Board and staff members.
5. Provide means by which the public may be continuously informed as to the policies and actions of the Board and the work and progress of the schools.
6. Consider recommendations from the staff using their abilities, experience and interests in the consideration and solution of problems, policies and advancement of the total educational program.
7. Interpret the financial operations of the school district to staff and community groups.
8. Use all available media of communication, such as publications, radio and television, to keep the goals, programs, achievements and needs of the school before the public.
9. Form advisory councils or committees to aid in the formulation of recommendations for the Board to consider in carrying out the work of the schools.
10. Keep the Board informed regarding the formation and membership of such councils or committees.
11. Meet with citizen and community groups and organizations for the presentation, study, and discussion of the school problems.
12. Supervise the school district's publicity with the Board serving in an advisory capacity.

**Working Relationships between the Board and the Superintendent Regarding Responsibilities for Communications**

It is the desire of the Board that two-way channels of communication be kept open at all times between the school system and the people of the school district.

**SUPERINTENDENT'S RESPONSIBILITIES FOR COMMUNICATIONS**

(continued)

The educational program needs to reflect the wishes of the community as well as the finest current educational practice, and must, therefore, receive the ideas of the community on one hand, and inform the people of the district programs and objectives on the other.

The Superintendent is responsible for all informational services to and from the public, except for such matters as the Board may from time to time wish to deal with public itself.



**SUPERINTENDENT GOVERNANCE STANDARDS**

The Board of Education recognizes that effective district governance requires strong collaboration and teamwork with the Superintendent. Because the Board and Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the district and the quality of education provided to the community's students.

The Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the Board in the governance of the district, the Superintendent:

1. Promotes the success of all students and supports the efforts of the Board to keep the district focused on learning and achievement
2. Values, advocates and supports public education and all stakeholders
3. Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents/guardians and the community and ensures that the diverse range of views inform Board decisions
4. Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior
5. Serves as a model for the value of lifelong learning and supports the Board's continuous professional development
6. Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture
7. Recognizes that the Board/Superintendent governance relationship is supported by the management team in the district
8. Understands the distinctions between Board and staff roles, and respects the role of the Board as the representative of the community
9. Understands that authority rests with the Board as a whole; provides guidance to the Board to assist in decision-making; and provides leadership based on the direction of the Board as a whole
10. Communicates openly with trust and integrity, including providing all members of the Board with equal access to information and recognizing the importance of both responsive and anticipatory communications
11. Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the district

**SUPERINTENDENT GOVERNANCE STANDARDS (continued)**

*Legal Reference:*

EDUCATION CODE

35020 *Duties of employees set by governing board*

*Management Resources:*

CSBA PUBLICATIONS

*Superintendent Governance Standards, 2001*

*CSBA Professional Governance Standards, 2000*

AASA PUBLICATIONS

*Professional Standards for the Superintendency, 1993*

WEB SITES

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

ACSA: <http://www.acsa.org>

American Association of School Administrators: <http://www.aasa.org>

**EMPLOYMENT OF SUPERINTENDENT OF SCHOOLS**

**Purpose**

The Board of Education vests the day-to-day responsibilities for the administration of this school district in the Superintendent of Schools.

**Authority**

Whenever the position of Superintendent shall be vacant, the Board shall appoint a Superintendent and fix his salary and term of office. (Education Code 35026)

The Board shall actively seek the best qualified and most capable candidate for the position of chief school officer of this school district. It will be aided in this task by the services of professional consultants.

Recruitment procedures shall be prepared in advance of the search and shall include the following:

1. The preparation of a written job specification for the position of Superintendent
2. The preparation of written specifications of qualifications (in addition to proper state certification) (Education Code 35028)
3. The preparation of informative material describing the school district and its educational goals
4. Solicitation of applications from within the State
5. Consideration of all applicants fairly without discrimination on the basis of race, sex, age, religion, ethnic background or other condition unrelated to the position of Superintendent
6. The requirement that each finalist for the position will be interviewed by the Board members in a format that encourages him/her to express his educational philosophy.

No person may be employed as Superintendent of this school district unless he has signed an employment contract with the Board. Such contract shall include:

1. The term for which employment is contracted, including beginning and ending dates (said term shall not exceed four years). (Education Code 35031)
2. The salary which the Superintendent shall be paid and the intervals at which he shall be paid.

**EMPLOYMENT OF SUPERINTENDENT OF SCHOOLS** (continued)

3. The benefits to which he is entitled including annual salary review, transportation or car allowance and allowance for incidental expenses.
4. A provision for the termination of the contract.
5. Such other matters as may be necessary to a full and complete understanding of the employment contract.

The Superintendent so appointed shall devote himself/herself exclusively to the duties of his office. Each candidate for the position of Superintendent shall be required to annually pass a physical examination, the cost of which shall be borne by the school district.

*Legal Reference:*

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54954 *Time and place of regular meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Superintendent Evaluation, 2006*

*Maximizing School Board Governance: Superintendent Selection and Employment, 2004*

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

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

**EVALUATION OF THE SUPERINTENDENT**

The Board recognizes that, in order to effectively fulfill its responsibilities for setting direction, ensuring accountability, and providing community leadership for the district, it must adopt measures for holding the Superintendent accountable. At a minimum, the Board shall annually conduct an evaluation of the Superintendent's performance to assess his/her effectiveness in leading the district toward established goals. In addition, the evaluation process may include opportunities during the year for review of the Superintendent's progress toward meeting the goals. The evaluation shall be in accordance with the provisions of the Superintendent's contract and any applicable Board policy.

Evaluation criteria shall be agreed upon by the Board and Superintendent prior to the evaluation and shall include, but not be limited to, district goals and success indicators; educational, management, and community leadership skills; and the Superintendent's professional relationship with the Board.

The Board and Superintendent shall jointly determine the evaluation method(s) and schedule that will best serve the district and the structure and format of the instrument to be used.

Prior to the evaluation, the Superintendent may provide to the Board for its review a report of progress toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a statement of actions taken to address any Board recommendation from the previous evaluation.

Each Board member may independently evaluate the Superintendent's performance. Based on these individual evaluations, the Board president shall produce a document that summarizes the individual evaluations. The Board may then take action on this document and present it to the Superintendent for his/her response.

The evaluation shall provide commendations in areas of strength and achievement, provide recommendations for improving effectiveness in areas of concern and unsatisfactory performance, and serve as a basis for making decisions about salary increase and/or contract extension.

The Board shall meet in closed session with the Superintendent to discuss the evaluation. (Government Code 54957)

The Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance or district progress.

**EVALUATION OF THE SUPERINTENDENT** (continued)

*Legal Reference:*

GOVERNMENT CODE

53262 *Employment contracts, superintendent*

54957 *Closed session, personnel matters*

COURT DECISIONS

*Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Superintendent Evaluation, 2006*

WEB SITES

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

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

**ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY**

Through the adoption of written policies, the Board conveys its expectations for actions that will be taken in the district, clarifies roles and responsibilities of the Board and Superintendent, and communicates Board philosophy and direction. However, the Board recognizes that, at times, situations may arise in the operation of district schools or in the implementation of district programs that are not addressed in Board policy or administrative regulation. When resolution of such a situation necessitates immediate action, the Superintendent or designee shall have the authority to act on behalf of the district.

If the situation or its resolution may affect the safety or security of students or staff members, involve a significant impact on student learning, or create a distraction within the school community, the Superintendent or designee shall notify the Board as soon as practicable after its occurrence. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

*Legal Reference:*

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules

35035 Powers and duties of superintendent

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

42605 Tier 3 categorical flexibility

*Management Resources:*

CSBA PUBLICATIONS

Policy Implications of Categorical Program Flexibility, Policy Advisory, November 2009

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009

WEB SITES

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

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

**ROLES IN BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

**Role of the Board of Education**

The Board of Education:

1. Approves and adopts the annual budget.
2. Provides for the establishment of necessary procedures to assure proper accounting of receipts, disbursements, and balances.
3. Provides for an annual external audit of funds of the district as required by law, including those of student organizations, cafeterias, and other funds under the supervision of the district.
4. Authorizes expenditures of funds and approves payment of authorized purchases.
5. Conducts all necessary financial operations in connection with all governmental agencies in regard to ' school' buildings and school attendance.
6. Seeks to accrue to the district all available revenue from all appropriate sources.
7. Seeks to promote by state and federal legislation adequate financial support of the public schools.
8. Requires and considers reports of business transactions of the district and of the financial, condition of the district.

**Role of Superintendent**

With the staff, the Superintendent:

1. Prepares the annual budget and interprets it for the Board.
2. Administers the budget after it is adopted and keeps expenditures within its limits.
3. Provides all possible economies that do not endanger the educational program and its results.
4. Supervises the general business procedures of the district to secure the proper accounting of funds, supplies and equipment.
5. Seeks to secure materials and supplies best suited to the educational needs of the district.



**ROLES IN BUSINESS AND NON-INSTRUCTIONAL OPERATIONS** (continued)

6. Approves all contracts to be entered into by the district or any person on behalf of the district and acts as authorized agent of the district and the Board in contracts between the district and other governmental agencies.
7. Is responsible for recommending an adequate program of insurance in all phases of district operation with regard to those prescribed by law.
8. Makes proper reports to the Board, keeping them fully advised as to the financial status of the school district and all the implications of the financial aspects of school administration.

**Working Relationships of Board and Superintendent**

The Board in no way wishes to impair its discretionary powers in the management of the financial affairs of the school district.

The Board recognizes that it may not delegate to employees the final power of budgeting, purchasing and contracting. It therefore desires complete information from the Superintendent and staff on all matters relating to the financial operations of the district.

The Board desires the Superintendent to shape, with the staff, the district financial program in accordance with a previously declared intention of the Board to offer the best attainable program of education in the school district. The Board desires to be informed whenever the curricular program is at odds with the financial ability of the district.

The Board also wishes to give close scrutiny and due consideration to each and every financial operation of the school district so that it may fully discharge its legal responsibilities in regard to school finance.

**BUDGET**

The Board of Education recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

**Budget Development and Adoption Process**

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i). He/she shall annually notify the County Superintendent of Schools of the district's decision to use the single budget adoption process in the subsequent year.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff in the development of budget projections.

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 42103 and 42127.

The budget that is formally adopted by the Board shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

**Budget Criteria and Standards**

In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

**BUDGET** (continued)

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

*Legal Reference: (see next page)*

**BUDGET (continued)**

*Legal Reference:*

EDUCATION CODE

1240 Duties of county superintendent of schools  
33127-33131 Standards and criteria for local budgets and expenditures  
35035 Powers and duties of superintendent  
35161 Powers and duties, generally, of governing boards  
42103 Public hearing on proposed budget; requirements for content of proposed budget  
42122-42129 Budget requirements  
42130-42134 Financial certifications  
42140-42141 Disclosure of fiscal obligations  
42602 Use of unbudgeted funds  
42605 Tier 3 categorical flexibility  
42610 Appropriation of excess funds and limitation thereon  
44518-44519.2 Chief business officer training program  
45253 Annual budget of personnel commission  
45254 First year budget of personnel commission

GOVERNMENT CODE

7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure  
15440-15451 Criteria and standards for school district budgets

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006  
Maximizing School Board Governance: Understanding District Budgets, 2006  
School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009

Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004

Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

*Management Resources: (see next page)*

**BUDGET** (continued)

*Management Resources: (continued)*

WEB SITES

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

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

*California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>*

*California Department of Finance: <http://www.dof.ca.gov>*

*Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>*

*Government Finance Officers Association: <http://www.gfoa.org>*

*Governmental Accounting Standards Board: <http://www.gasb.org>*

*Legislative Analyst's Office: <http://www.lao.ca.gov>*

*School Services of California, Inc.: <http://www.sscal.com>*

**TRANSFER OF FUNDS**

Transfers shall be made from the undistributed reserve to any expenditure classification at any time by a two-thirds majority vote of the Board of Education after it is filed with the County Superintendent of Schools and the County Auditor.

**Inter-Classification Budget Transfers**

Transfers shall be made at any time between expenditure classifications by a majority vote of the Board which shall be filed with the County Superintendent and the County Auditor.

**End of the Year Transfers**

At the close of the school year, the Board shall request the County Superintendent to make transfers between the undistributed reserve and any expenditure classification or classifications, and balance any expenditure classification of the budget as is necessary to permit the payment of obligations of the district incurred during the school year.

**Temporary Transfers Between Classifications**

The Board may direct that monies held in any fund or account be temporarily transferred by majority vote, from one or more of these accounts to another fund to be used for the payment of obligations of the district. The transfer shall be accounted for as temporary borrowing and shall not be available for appropriation or be considered income to the borrowing fund account. Amounts transferred shall be repaid either in the same fiscal year or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year.

*Legal Reference: (see next page)*

**TRANSFER OF FUNDS** (continued)

*Legal Reference:*

EDUCATION CODE

- 78 *Definition governing board*
- 5200 *Districts governed by boards of education*
- 16095 *Transfer of district funds to district state school building fund*
- 17582 *Deferred maintenance fund; establishment; purpose*
- 17583 *Deferred maintenance fund; transfer*
- 17584 *Budgeting certification deferred maintenance fund; apportionment*
- 17585 *Applications for deferred maintenance funding*
- 41301 *Section A state school fund allocation schedule*
- 42125 *Designated and unappropriated fund balances*
- 42600 *District budget limitation on expenditure*
- 42601 *Transfers between funds to permit payment of obligations at close of year*
- 42603 *Transfer of monies held in any fund or account to another fund; repayment*
- 42605 *Tier 3 categorical flexibility*
- 42840-42843 *Special reserve fund*
- 52616.4 *Expenditures from adult education fund*

*Management Resources:*

CSBA PUBLICATIONS

*Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

*Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009*

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>

**DEFERRED MAINTENANCE FUNDS**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

In order to help meet the district's facility maintenance needs, the Board of Education shall discuss proposals and plans for expenditures of deferred maintenance facility funds at a regularly scheduled public hearing.

In any year that the district does not set aside one-half of one percent of its current-year average daily attendance for deferred maintenance, the Board shall submit a report, by March 1, to the Legislature, with copies to the Superintendent of Public Instruction, the State Board of Education, the Department of Finance, and the State Allocation Board. (Education Code 17584.1)

The report shall include all of the following: (Education Code 17584.1)

1. A schedule of the complete school facilities deferred maintenance needs of the district for the current year, including a schedule of costs per school site and total costs
2. A detailed description of the district's spending priorities for the current year, and an explanation of why those priorities, or any other considerations, have prevented the district from setting aside sufficient local funds so as to permit it to fully fund its deferred maintenance program and, if eligible, to participate in the state deferred maintenance funding program as set forth in Education Code 17584
3. An explanation of how the Board plans to meet its current-year facilities deferred maintenance needs without setting aside the funds set forth in Education Code 17584

Copies of the report shall be made available at each school site and shall be provided to the public upon request. (Education Code 17584.1)

*Legal Reference: (see next page)*



**DEFERRED MAINTENANCE FUNDS** (continued)

*Legal Reference:*

EDUCATION CODE

*17565-17591 Property maintenance and control, especially:*

*17584 Deferred maintenance*

*17584.1 Deferred maintenance reports*

*Management Resources:*

WEB SITES

*Department of General Services, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>*

**LOTTERY FUNDS**

As amounts received from the California State Lottery fluctuate from year to year, the Board of Education shall not commit future lottery funds for any purpose until they have been received.

Because lottery funds were intended to supplement state funds, not substitute for these funds, the Board desires to use these funds for supplemental and nonrecurring expenditures which support educational programs and activities.

**Restrictions**

The Board shall establish funding-priorities and approve all allocations within the parameters of the law. Lottery funds shall not be used to acquire real estate, build school facilities, finance research or serve any other noninstructional purpose.

**Budget Procedure**

The Superintendent or designee shall establish a separate account for the receipt and distribution of lottery funds.

*Legal Reference:*

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 Sufficiency of instructional materials

GOVERNMENT CODE

8880-8880.5 California State Lottery: general provisions

CODE OF REGULATIONS, TITLE 5

19834 Audits, Proposition 20 lottery funds

19835 Audits, state lottery funds

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

2001.05.10 Proposition 20 - Allocation of Lottery Funds for Instructional Materials

WEB SITES

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

**FEES AND CHARGES**

Note: Education Code 49010-49013, as added by AB 1575 (Ch. 776, Statutes of 2012), prohibit districts from requiring students to pay fees, deposits, or other charges in order to participate in an educational activity, unless authorized by law, and **mandate** governing boards to adopt policies and procedures implementing this prohibition. However, the prohibition does not restrict districts from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in such fundraising activities.

In addition, pursuant to 5 CCR 350, only fees specifically authorized by law may be charged by districts. See the accompanying administrative regulation for a list of such fees.

The Board of Education recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

*(cf. 1321 - Solicitation of Funds from and by Students)*  
*(cf. 3100 - Budget)*  
*(cf. 3290 - Gifts, Grants and Bequests)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the district shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

*(cf. 3250 - Transportation Fees)*  
*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5143 - Insurance)*  
*(cf. 9323.2 - Actions by the Board)*

Note: Pursuant to Education Code 49013, as added by AB 1575 (Ch. 776, Statutes of 2012), a district is mandated to adopt a policy which (1) allows students and/or parents/guardians to file complaints, using the uniform complaint procedures, when the district is alleged to have violated the prohibition against requiring students to pay unauthorized student fees and (2) requires the district to include information about the prohibition against requiring students to pay fees in the annual notification to students, parents/guardians, employees, and other interested parties. See BP/AR 1312.3 - Uniform Complaint Procedures for additional language implementing this mandate.

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

*(cf. 1312.3 - Uniform Complaint Procedures)*

**FEES AND CHARGES** (continued)

The Superintendent or designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all district students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against districts requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - *Employee Notifications*)  
(cf. 5145.6 - *Parental Notifications*)

Note: The following paragraph is <b>optional</b> and may be revised to reflect district practice.
---

The Superintendent or designee shall provide professional development opportunities to administrators, teachers, and other personnel to learn about permissible fees.

(cf. 4131 - *Staff Development*)  
(cf. 4231 - *Staff Development*)  
(cf. 4331 - *Staff Development*)

*Legal Reference:*

EDUCATION CODE

- 8239 *Preschool and wraparound child care services*
- 8263 *Child care eligibility*
- 8760-8773 *Outdoor science and conservation programs*
- 17551 *Property fabricated by students*
- 19910-19911 *Offenses against libraries*
- 32033 *Eye protective devices*
- 32221 *Insurance for athletic team member*
- 32390 *Fingerprinting program*
- 35330-35332 *Excursions and field trips*
- 35335 *School camp programs*
- 38080-38085 *Cafeteria establishment and use*
- 38120 *Use of school band equipment on excursions to foreign countries*
- 39807.5 *Payment of transportation costs*
- 39837 *Transportation of students to places of summer employment*
- 48050 *Residents of adjoining states*
- 48052 *Tuition for foreign residents*
- 48904 *Liability of parent or guardian*
- 49010-49013 *Student fees*
- 49065 *Charge for copies*
- 49066 *Grades, effect of physical education class apparel*

*Legal Reference continued: (see next page)*

**FEES AND CHARGES (continued)**

*Legal Reference: (continued)*

EDUCATION CODE (continued)

49091.14 Prospectus of school curriculum

51810-51815 Community service classes

52612 Tuition for adult classes

52613 Nonimmigrant aliens

60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4622 Notice

UNITED STATES CODE, TITLE 8

1184 Foreign students

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

Hartzell v. Connell (1984) 35 Cal. 3d 899

CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges

WEB SITES

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

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

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Board of Education, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas
2. Are not aligned with the district's academic standards or course of study
3. Contain information rendered inaccurate or incomplete by new research or technologies
4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
5. Are damaged beyond use or repair

The Superintendent or designee shall establish procedures to be used when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

*Legal Reference: (see next page)*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES** (continued)

*Legal Reference:*

EDUCATION CODE

17540-17542 *Sale or lease of personal property by one district to another*

17545-17555 *Sale of personal property*

35168 *Inventory, including record of time and mode of disposal*

42291.5 *Temporary school bus designation*

42303 *School bus sale to another district*

60500-60530 *Sale, donation, or disposal of instructional materials*

GOVERNMENT CODE

25505 *District property; disposition; proceeds*

CODE OF REGULATIONS, TITLE 5

3944 *Consolidated categorical programs, district title to equipment*

3946 *Disposal of equipment purchased with state and federal consolidated application funds*

UNITED STATES CODE, TITLE 40

549 *Surplus property*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 *Equipment acquired under a grant or subgrant*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

School Services of California, Inc.: <http://www.sscal.com>

**LEASES AND AGREEMENTS**

The Board of Education may authorize agreements for the lease or rental of school district owned buildings or property to public or private parties in keeping with the requirements of the law.

**Nonprofit Agencies**

The Board may enter into a lease or agreement for use of school district buildings or sites with nonprofit agencies or corporations provided the requirements of the law are fulfilled

**Use of Surplus Space**

It is the interest of the Board to have the community involved regarding the use of surplus space as required by law through a school district Advisory Committee.

**Equipment Leases or Agreements**

The Superintendent shall be responsible for determining the need to lease or rent equipment when it is a more effective use of district resources than a purchase.

*Legal Reference:*

EDUCATION CODE

*17400 Authority to enter into leases and agreements*

*17401 Lease or agreement*

*17402 Requirements before Board may enter into lease or agreement*

*17403 Maximum term of lease or agreement*

*17407 Terms and conditions of agreement for construction of building; provisions for bids and bidding*

*17418 Leases of agreements with non-profit public benefit corporation*

*17450 Authority to lease equipment*

*17451 Provisions applicable to contracts 17452 Terms of lease*

*17455 Power of Board of Education*



**GIFTS, GRANTS AND BEQUESTS**

The Board of Education may accept, on behalf of and for the school district, any bequest or gift of money or property for a purpose deemed by the Board to be suitable, and to utilize such money or property as so designated.

The Superintendent shall establish criteria to be met in the acceptance of gifts and the procedure for examining and evaluating offers of gifts to the district.

All gifts shall be given to the school district as a whole, and not to a particular school. At the discretion of the Superintendent, the gift may be used at a particular school.

*Legal Reference:*

EDUCATION CODE

1834 Acquisition of materials and apparatus

35160 Powers and duties

35162 Power to sue, be sued, hold and convey property

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

41032 Authority of school board to accept gift or bequest; investments; gift of land requirements

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

41038 Applicability of other provisions of chapter

*Management Resources:*

WEB SITES

California Consortium of Education Foundations: <http://www.cceflink.org>

**PURCHASING PROCEDURES**

The duties of purchasing for approval by the Board of Education shall be centralized in a Purchasing. Department which shall conduct the purchasing transactions for the district.

**Requirements**

The Purchasing Department shall perform all purchasing activities in accordance with the following requirements:

1. To serve the best interest of the school district in all transactions.
2. To obtain the maximum value for each dollar expended.
3. To purchase the proper product for the purpose required, when needed and at the proper quantity.
4. To comply with all applicable provisions of county, state, and federal laws governing purchasing.
5. To establish specifications that are descriptive of materials desired and, whenever possible, sufficiently broad to promote competitive bidding.
6. To attract and develop a group of responsible bidders able to offer the best prices consistent with quality and services.
7. To conduct purchasing in a businesslike manner using the most efficient procedures, records and reports.
8. To purchase without favor or prejudice.
9. To strive constantly for improvement of purchasing methods and of the materials bought.

All purchases shall be made by purchase order or formal contract.

**Approval Requirements**

When the bidding process is required, approval of the Board shall be obtained. For all other purchasing actions not requiring the bidding process, ratification action shall be sought from the Board.

All purchase order numbers and the total purchase price shall be submitted to the Board, and any action shall be recorded in the official minutes of the Board.

## **PURCHASING PROCEDURES** (continued)

### **Establishing Operational Procedures**

All authorization for managing purchasing shall be vested in the Superintendent who shall provide for internal procedures for processing purchases which shall be contained in a Purchasing Handbook distributed to all sites.

### **Quality of Goods and Services**

The Board recognizes that many factors must be considered before administrative decisions can be made about the quality of goods and services ordered by the district.

It is false economy to save money by purchasing an item which cannot do the job required of it, and it is wasteful to spend more money than necessary to purchase a "quality" item when a less costly item would do the job as well.

The Superintendent and staff are directed to develop an ordering procedure which will, as far as possible, guarantee that goods and services purchased by the district will meet the needs of the person or department ordering them, yet will permit purchasing at the lowest possible cost to the district.

*Legal Reference: (see next page)*

**PURCHASING PROCEDURES (continued)**

*Legal Reference:*

EDUCATION CODE

17604 *Delegation of powers to agents; approval or ratification of contracts by governing board*

17605 *Delegation of authority to purchase supplies and equipment*

32370-32376 *Recycling paper*

32435 *Prohibited use of public funds, alcoholic beverages*

35010 *Control of district; prescription and enforcement of rules*

35035 *Powers and duties of superintendent*

35160 *Authority of governing boards*

35250 *Duty to keep certain records and reports*

38083 *Purchase of perishable foodstuffs and seasonal commodities*

41010 *Accounting system*

41014 *Requirement of budgetary accounting*

GOVERNMENT CODE

4330-4334 *California made materials*

PUBLIC CONTRACT CODE

3410 *U.S. produce and processed foods*

20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance: Fiscal Accountability, 2006

WEB SITES

CSBA, *Financial Services*: <http://www.csba.org/fs>

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

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

**BIDS**

In order to ensure transparency and the prudent expenditure of public funds, the Board of Education shall award contracts in an objective manner and in accordance with law. District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the district to do so.

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)

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

*Legal Reference: (see next page)*

**BIDS** (continued)

*Legal Reference:*

EDUCATION CODE

17595 *Purchases through Department of General Services*  
38083 *Purchase of perishable foodstuffs and seasonable commodities*  
38110-38120 *Apparatus and supplies*  
39802 *Transportation services*

GOVERNMENT CODE

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*  
2001-2001 *Responsive bidders*  
3002 *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*  
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

*Marshall v. Pasadena USD*, (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>  
California Association of School Business Officials: <http://www.casbo.org>

**CONTRACTS**

Whenever state law invests the Board of Education with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

**Contracts for Non-Nutritious Foods or Beverages**

Effective July 1, 2007, the district or a district school shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

In accordance with the dates specified in law, the district or a district school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

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

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

1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

**CONTRACTS** (continued)

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

The contract shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

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

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

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

**Contracts for Electronic Products or Services**

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

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



**CONTRACTS** (continued)

4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

49431-49431.5 Nutritional standards

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

*Management Resources:*

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

WEB SITES

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

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

**PAYMENT FOR GOODS AND SERVICES**

The district must not enter into a contract or pay a bill until it has been approved at a regularly called meeting of the Board of Education.

The Board may pay in advance for the following when it will result in a decrease in the cost or when the service cannot be secured without advance payment:

Postage Stamps	Films
Admission Tickets	Filmstrips
Permits and Services (Government)	Recordings
Subscriptions	Payments on Leases or of real property
Books (single)	Equipment Maintenance Agreements (one year)

Payment for goods and services may be authorized by the Board under the following conditions:

- Contracted for within budgetary limits.
- Purchased according to purchasing policies and regulations.
- Certified by the site administrator as having been received in acceptable condition.

**Signatures/Facsimiles**

All payments made from the funds of this school district shall be made by written order of the Board on forms prescribed by the County Superintendent of Schools. Each order must be signed by at least a majority of the members of the Board or by the person or persons authorized by the Board to sign orders in its name.

The Board may, upon request of the Superintendent, authorize one or more officers or employees of the district to sign orders in the name of the Board.

The Board directs the Superintendent to file with the County Superintendent the verified signature of each administrator and Board member who is authorized.

No order on the funds of the district shall be approved by the County Superintendent unless the signatures are on file with the county and he/she is satisfied that the signatures on the order are those of the persons authorized to sign the order.

Any person authorized by the Board to sign orders in the name of the Board may, after filing with the Secretary of State his/her manual signature certified under oath, use a facsimile signature in lieu of his/her manual signature on any such order.

**PAYMENT FOR GOODS AND SERVICES** (continued)

**Purchasing and Returning Goods and Services (Requisitions)**

Requisitions for budgeted items shall originate from the key personnel directly responsible for their use.

The Superintendent shall arrange appropriate administrative reviewing channels whereby all requisitions will be examined and approved or disapproved for purchasing.

The business division shall receive and process requisitions in a manner most beneficial to the overall purposes of the school.

The Superintendent shall establish administrative procedures for returning books, materials, and equipment to vendors.

*Legal Reference: (see next page)*

**PAYMENT FOR GOODS AND SERVICES (continued)**

*Legal Reference:*

EDUCATION CODE

17605 *Delegation of authority for purchases*  
42630-42651 *Orders, requisitions and warrants*  
42800-42806 *Revolving cash fund*  
42810 *Alternative revolving fund*  
42820 *Prepayment funds*

CODE OF CIVIL PROCEDURE

685.010 *Rate of interest*

GOVERNMENT CODE

16.5 *Digital signatures*  
5500-5506 *Uniform Facsimile Signatures of Public Officials Act*  
8111.2 *Definition of public entity*

PUBLIC CONTRACT CODE

7107 *Retention proceeds; withholding; disbursement*  
9203 *Payment for projects costing over \$5000*  
20104.50 *Timely progress payments*

CODE OF REGULATIONS, TITLE 2

22000-22005 *Digital signatures*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Understanding California's Public School Finance System, 2006*

*Maximizing School Board Governance: Budget Planning and Adoption, 2006*

*Maximizing School Board Governance: Understanding District Budgets, 2006*

*Maximizing School Board Governance: Fiscal Accountability, 2006*

*School Finance CD-ROM, 2005*

WEB SITES

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

California Secretary of State, digital signatures: <http://www.sos.ca.gov/digsig/digsig.htm>

Fiscal Crisis Management & Assistance Team: <http://www.femat.org>

**REVOLVING CASH FUND ACCOUNT**

The Board of Education has established by resolution and the consent of the County Superintendent of Schools, a revolving cash fund in the amount of \$25,000.

The purposes for establishing the revolving cash fund are as follows:

1. To provide a supplemental payment to an employee when an error has been made in computing a payment due that employee
2. To secure or purchase services or material which are legal charges against the school district.

No expenditure shall be made unless a receipt is obtained showing the date, purpose, and amount expended. The amount to be spent shall not exceed the amount authorized by the Superintendent.

The account shall be known as "The Revolving Fund Account of The Bellflower Unified School District" and the Superintendent shall be responsible for the payment into the account of all monies required to be reimbursed into the account and for all expenditures from it.

The Superintendent shall give an accounting of the fund at the request of the County Superintendent or the Board. The fund shall be audited semiannually by the administrator and annually by the auditing firm authorized by the Board.

The Superintendent is directed to develop regulations for the use and control of this fund and to name the administrators who will have use of it upon approval by the Board.

The administrators in charge of the revolving cash fund shall be subject to the bonding provisions of the law.

*Legal Reference:*

EDUCATION CODE

*41021 Requirements for Employee Indemnity Bond*

*42800 Authority of school districts to establish revolving cash funds, and their purposes*

*45167 Error in salary*

**TRAVEL AND CONFERENCE**

**Guidelines for all Employees and Board of Education**

The Board of Education recognizes that it will be important to attend conferences, conventions, meetings, seminars, workshops, and other activities for the purpose of:

1. Improving skills
2. Obtaining information
3. Expressing concerns and ideas regarding legislative and policy-making ideas
4. Performing other such duties as, may be deemed necessary by the Board and district administration

Therefore, the Board encourages such attendance and delegates to the Superintendent or designee the authority to approve travel and conference expenses for all employees in accordance with the adopted budget and the guidelines specified in this Board policy.

**Expense Claims**

Only actual and necessary expenses incurred in the performance of official duties shall be reimbursable.

Claims shall be based upon the following:

1. Food costs will be allowed as follows:
  - a. Up to \$50 per day
  - b. If a meal is included in the price of the conference, no other money will be allowed for that meal
2. Lodging shall be reimbursed at a rate not to exceed the rate for single occupancy at standard room rate. If deluxe, suite, or other premium accommodations are requested, the employee or Board Member will be responsible for the difference in cost. If two or more district employees or Board Members occupy the same room, the cost shall be divided proportionately.
3. Air travel shall be reimbursed at the economy fare rate. The district encourages special fare rates whenever and wherever possible.
4. Transportation to and from the airport, parking, and other ground transportation costs are authorized as allowable expenditures.

## **TRAVEL AND CONFERENCE (continued)**

5. Registration fees, reasonable communication expenses, baggage handling, and other miscellaneous expenses are allowable.

### **Advances**

The Superintendent shall establish procedures to provide advanced funding and/or reimbursement for the expenses authorized, as well as provisions for release time to attend.

### **Non-Employee Procedures**

The Board also recognizes that it may be necessary for non-employees, such as parents/guardians or community members who are actively involved in school site councils, parent/teacher associations, and other organizations to travel as representatives of the Board.

### **Local Conferences**

The Board recognizes that it will be to the benefit of the district to conduct conferences within the school district for staff development, inservice, and informational purposes.

Personnel is encouraged to attend conferences, conventions, and workshops conducted in the local area, but to be selective about attendance at those which are held in locations where lodging and per diem become expensive items. Employees are encouraged to take advantage of local activities because of the potential for greater benefit at lower cost.

### **Prohibited Expenditures**

The cost for the purchase of alcoholic beverages is not an allowable conference expense and no school district funds shall be used for that purpose.

Expenses for spouses, children, and/or guests will not be allowed and expenses incurred must be reimbursed to the district

### **Guidelines Specific to the Board**

Members of the Board are authorized to participate in the following:

- Meetings, conferences, seminars, and workshops called by the County Superintendent of schools or the Superintendent of Public Instruction
- Meetings, conferences, workshops, and seminars of any society, association, or organization in which the Board has approved membership

**TRAVEL AND CONFERENCE** (continued)

- Conferences/seminars and/or workshops designed for the improvement of Board members' skills, enabling them to better function in their role as a Board member
- Regular committee meetings of the California legislature
- Meetings of accreditation councils or commissions of California public agencies and related agencies
- Visitations to schools in the State of California and other states for a discussion of any school matter of interest to the school district meetings within California that relate to public school matters
- Meetings with representatives of the United States government to discuss school district business
- Conferences, seminars, meetings, and/or workshops conducted by federal agencies which deal with educational legislation or appropriations of public schools

However, if a Board Member is not going to run for re-election, he/she may not be allowed travel/conference expenses after the filing period for re-election closes, unless the Board Member is attending a meeting as the Board-appointed delegate to a previously Board-approved committee or organization.

Members of the Board must reconcile any previous travel or conference expenses before requesting additional travel or conference attendance.

Funds budgeted for Board travel and conference will be divided equitably for use between the five Board members.

All travel and conference attendance for each Board member will be listed in an information Board item which includes the name of the conference/meeting, date(s) attended, location, and total expenditures. All out-of-state travel must have Board approval.

All expenditures for registration, lodging, air/train fare, and/or travel agency will be paid directly to the sponsoring organization, hotel, etc, as opposed to paying directly to the individual Board member.

Cash advances may be given to an individual Board member for food allowances and other approved incidentals. With the exception of advances for communication, food, and baggage handling, receipts must be submitted for expenditures incurred and any remaining money from cash advances which exceed authorized expenditures must be returned to the district.



**TRAVEL AND CONFERENCE** (continued)

**Automobile Allowance**

1. Where the regular assigned duties of an employee require the use of the employee's personal automobile on the job and a district vehicle is not available, the employee will be reimbursed by the school district when the automobile expenses exceed \$10.00 in any fiscal year. The employee shall comply with administrative requirements for the reporting of personal automobile usage.
2. Reimbursement rate per mile shall be established by the Superintendent based upon current IRS regulations. Reimbursement shall include claims for tolls, parking fees, and rental cars when previous authorization has been obtained.
3. The Superintendent or designee shall establish a procedure for minimizing personal automobile usage.

*Legal Reference:*

EDUCATION CODE

44016 *Travel expense*

44032 *Travel expense payment*

44033 *Automobile allowance*

44802 *Student teacher's travel expense*

**TRAVEL AND CONFERENCE**

**Automobile Allowance**

1. An automobile is defined as a motor-driven vehicle having three or more useful supporting wheels. Motorcycle and bicycle travel are not reimbursable.
2. Employees who are authorized to claim an automobile allowance are the following:
  - a. School personnel whose normal duties require automobile travel between two or more sites within the district during the same working period;
  - b. School personnel whose normal duties require automobile travel between the district and one or more points outside the district within 125 miles, one way;
  - c. School personnel, who are required by the Superintendent or designee to attend meetings of the Board of Education;
  - d. School personnel approved by the Superintendent or designee who does not fall into categories a-c above.
3. An employee needing to use an automobile in the performance of his/her duties shall determine the availability of a district vehicle. If none is available, approval to use his/her personal vehicle shall be obtained from his/her principal or supervisor prior to using his/her vehicle.
4. Employees shall share automobiles when practical, use the mode of transportation most advantageous to the district, and travel the most direct route.
5. A claim for automobile mileage shall be prepared by the claimant, in duplicate, on the form MILEAGE CLAIM FOR USE OF PERSONAL CAR ON OFFICIAL BUSINESS, with one copy of form DETAIL OF TRIPS, and submit the forms to the claimant's administrator. The administrator shall review and forward each valid claim to the Accountant/Auditor's office with an attached adding machine tape which verifies the claimant's addition.
6. Claims for automobile allowance in any fiscal year shall be held by the employee until the reimbursable amount exceeds \$10.00. No claim shall include expenditures for more than one fiscal year. Board action shall be required prior to payment of claims.

**MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS**

The Board of Education recognizes its fiduciary responsibility to effectively manage and safeguard the district's assets and resources in order to help achieve the district's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. He/she shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards.

**Capital Assets**

The Superintendent or designee shall develop a system to accurately identify and value district assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. District assets with a useful life of more than one year and a unit acquisition cost of \$5,000 or more shall be considered capital assets. The Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value or depreciation during each accounting period for all capital assets.

**Internal Controls/Fraud Prevention**

The Board expects Board members, employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the district to act with integrity and due diligence in dealings involving the district's assets and fiscal resources.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district. These internal controls may include, but are not limited to, segregating employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; conducting background checks on business office employees; and requiring continuous in-service training for business office staff on the importance of fraud prevention.

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee. In addition, the Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity.

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the district's auditors, law enforcement agencies, or other governmental entities, as appropriate.

## MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS (continued)

The Superintendent or designee shall provide regular reports to the Board on the status of the district's internal control procedures and recommend any necessary revisions to related Board policies or administrative regulations.

### *Legal Reference:*

#### EDUCATION CODE

14500-14508 *Financial and compliance audits*

35035 *Powers and duties of superintendent*

35250 *Duty to keep certain records and reports*

41010-41023 *Accounting regulations, budget controls and audits*

42600-42604 *Control of expenditures*

42647 *Drawing of warrants by district on county treasurer; form; reports, statements and other data*

#### GOVERNMENT CODE

53995-53997 *Obligation of contract*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Governance: Budget Planning and Adoption, 2006*

*Maximizing School Board Governance: Fiscal Accountability, 2006*

*School Finance CD-ROM, 2005*

#### GOVERNMENTAL ACCOUNTING STANDARDS BOARD

*Statement 34, Basic Financial Statements - and Management's Discussion and Analysis - For State and Local Governments, June 1999*

#### WEB SITES

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

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

California Department of Education, School Finance: <http://www.cde.ca.gov/fg>

California State Controller's Office: <http://www.sco.ca.gov>

Fiscal Crisis & Management Assistance Team: <http://www.fcmat.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

School Services of California: <http://www.sscal.com>

**INVESTING**

The Superintendent or designee may invest, as permitted by law, all or part of the special reserve fund of the district or any surplus monies not required for immediate district operations. Such investments shall be limited to securities specified in Government Code 16430, 53601, and 53635.

The Board of Education recognizes that the Superintendent or designee has fiduciary responsibility and is subject to prudent investor standards for all investment decisions. As such, district investments must be made with skill, prudence, and diligence, with the primary objective of safeguarding the principal of the funds and with the secondary objective of meeting the district's liquidity needs. In order to enhance investment return, the district's third investment objective shall be to generate an investment yield that attains or exceeds a market-average rate of return through economic cycles.

The Superintendent or designee shall annually provide to the Board and any oversight committee a statement of the district's investment policy. At a public meeting, the Board shall review this policy and discuss any changes to be made. In accordance with law and administrative regulations, the Superintendent or designee shall also provide the Board quarterly reports with specified components, including a statement of how the district portfolio compares with the district's investment policy. (Government Code 53646)

**Quarterly Investment Reports**

The chief fiscal officer of the district shall provide the Board, Superintendent, and internal auditor with quarterly reports of district investments in individual accounts that are \$25,000 or more.

**Financial Professional's Compliance with Investment Policy**

All outside investment advisors/managers, attorneys, and other financial professionals employed or retained by the district and/or its representatives, including without limitation financial advisors, underwriters, bond counsel, and disclosure counsel, must review this policy.

*Legal Reference: (see next page)*

**INVESTING** (continued)

*Legal Reference:*

EDUCATION CODE

- 41001 Deposit of money in county treasury*
- 41002 General fund deposits and exceptions*
- 41002.5 Deposit of certain funds in insured institutions*
- 41003 Funds received from rental of real property*
- 41015 Authorization of and limitation investment of district funds*
- 41017 Deposit of miscellaneous receipts*
- 41018 Disposition of money received*
- 42840-42843 Special reserve fund*

GOVERNMENT CODE

- 16430 Eligible securities for investment of surplus money*
- 17581.5 Mandates contingent upon state funding*
- 27000.3 Fiduciary for deposits in county treasury*
- 27130-27137 County treasury oversight committees*
- 53600-53609 Investment of surplus*
- 53630-53686 Deposit of funds, especially:*
  - 53635 Local agency funds; deposit or investment*
  - 53646 Treasurer reports and statements of investment policy*
  - 53852.5 Investment term for funds designated for repayment of notes*
  - 53859.02 Borrowing by local agency*

*Management Resources:*

CSBA PUBLICATIONS

- Maximizing School Board Governance: Fiscal Accountability, 2005*
- School Finance CD-ROM, 2005*

CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS

- Local Agency Investment Guidelines, 2002, rev. 2004*

WEB SITES

- California State Treasurer's Office, California Debt and Investment Advisory Commission:*  
*<http://www.treasurer.ca.gov/cdiac>*

**INVENTORY OF EQUIPMENT AND SUPPLIES**

**Equipment**

An inventory of equipment shall be maintained in a manner authorized by the State Board of Education. All items whose current value equals or exceeds \$5,000 shall be included in the inventory, with the exception of equipment permanently fixed in a building such as heaters, lockers, cabinets, etc. Items costing from \$500 to \$4,999 should be counted as non-capitalized items in compliance with GASB 34.

The inventory shall include the description, date of acquisition, identification numbers, original cost, location, and purchase order number.

**Supplies - Warehouse**

An inventory of supplies which are warehoused shall be maintained in a manner authorized by the State Board of Education and a physical inventory shall be conducted annually.

**Record of Disposal**

A record of the date and mode of disposal of all equipment removed from the inventory shall also be kept.

*Legal Reference:*

EDUCATION CODE

35168 *Inventory of equipment*

CODE OF REGULATIONS, TITLE 5

3946 *Control, safeguards, disposal of equipment purchased with consolidated application funds*

16022-16023 *Classification of records*

16035 *Historical inventory of equipment*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 *Uniform administrative requirements for grants to state and local governments*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California School Accounting Manual, 2008*

OFFICE OF MANAGEMENT AND BUDGET COMMUNICATIONS

*Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, rev. May 10, 2004*

WEB SITES

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

*School Services of California, Inc.: <http://www.sscal.com>*

*White House, Office of Management and Budget: <http://www.omb.gov>*

**MONEY IN SCHOOL BUILDINGS**

Money collected by school district employees and student organizations shall be handled with prudent business procedures which also need to be taught to the students.

All money collected shall be receipted, accounted for, and directed without delay to the proper location for deposit.

In no case shall money be left overnight in schools except in floor or wall-mounted safes, and even then, no more than a few dollars should be kept under these conditions.

Deposits should be made weekly or whenever \$500.00 if more is collected.

*Legal Reference:*

EDUCATION CODE:

48933 *Deposit or Investment of Student Funds*

48936 *Additional Uses of Student Funds*

48937 *Supervision and Audit of Student Funds*

48938 *Trustee for Funds of Unorganized Student Body*



**STUDENT ACTIVITY FUNDS**

Student organizations may raise and spend money in order to promote the general welfare, morale, and educational experiences of the students.

**Administering the Fund**

Student funds shall finance worthwhile activities which go beyond those provided by the district. Expenditures must comply with the regulations provided in the state Accounting Procedures for Student Organizations manual.

Minutes shall be kept of student organization meetings and shall properly reflect all financial activities.

Student funds shall be managed in accordance with sound business procedures designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

**Investment of Funds**

With Board of Education approval, student funds shall be held or invested in one of the following ways:

1. Deposited or invested in a federally insured bank or savings and loan company
2. Deposited or invested in a state or federally insured credit union
3. Invested in U.S. savings bonds or obligations
4. Loaned to other district student organizations

**Disbursement of Funds**

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a Board-designated official, the certificated employee who is the student organization advisor, and a student organization representative.

**Internal Auditing**

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The Superintendent or designee shall periodically review the organizations' general financial structures and accounting procedures.

**STUDENT ACTIVITY FUNDS** (continued)**Annual Audit**

An annual audit of all student body accounts shall be conducted annually by an external auditor. The auditing cost shall be paid from district funds.

**Fund-Raising Events**

At the beginning of each school year, each principal or designee shall submit to the Superintendent or designee a list of the fund-raising events that each student organization proposes to hold that year. The Superintendent or designee shall review the proposed events and determine whether the events contribute to the educational experience and are not in conflict with or detract from the school's educational program. When reviewing proposed events, the Superintendent or designee shall consider the effects of the activities on student health and safety, evaluate the risk of liability to the district, and ensure that the proposed activities are in compliance with law, Board policy, and administrative regulation.

**Management of Funds**

Student body funds shall be managed in accordance with law and sound business procedures designed to encourage the largest possible educational return to students without sacrificing the security of funds.

The Superintendent or designee shall develop internal control procedures to safeguard the organization's assets, promote the success of fund-raising ventures, provide reliable financial information, and reduce the risk of fraud and abuse. These procedures shall detail the oversight of activities and funds including, but not limited to, the appropriate role and provision of training for staff and students, parameters for events on campus, appropriate and prohibited uses of funds, and accounting and record-keeping processes, including procedures for handling questionable expenditures.

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The budget adopted by the student body organization should serve as the financial plan for the school year and shall be submitted to the Superintendent or designee at the beginning of each school year. The Superintendent or designee shall periodically review the organization's use of funds to ensure compliance with the district's internal control procedures.

Funds derived from the student body shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a Board-designated official, the certificated employee who is the student organization advisor, and a student organization representative. (Education Code 48933)

**STUDENT ACTIVITY FUNDS** (continued)

The Board shall provide an annual audit of student accounts by a certified public accountant or licensed public accountant. The cost of the audit shall be paid from district funds. (Education Code 41020)

*Legal Reference:*

EDUCATION CODE

35182.5 *Non-nutritious foods and beverages, vending machines*

35564 *Funds, obligation of the student body*

41020 *Requirement for annual audit*

48930-48938 *Student body organization*

49431 *Sale of food and beverages, elementary school*

49431.5 *Sale of food and beverages, middle and high schools*

51520 *School premise, prohibited solicitations*

51521 *Fund-raising projects*

CODE OF REGULATIONS, TITLE 5

15500 *Food sales, elementary schools*

15501 *Food sales, middle and junior high schools*

COURT DECISIONS

*Prince v. Jacoby, (2002) 303 F.3d 1074*

*Management Resources:*

FISCAL CRISIS MANAGEMENT & ASSISTANCE TEAM PUBLICATIONS

*Associated Student Body Accounting Manual & Desk Reference, 2005*

WEB SITES

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

*Fiscal Crisis Management & Assistance Team: <http://www.fcmat.org>*

**FINANCIAL REPORTS AND ACCOUNTABILITY**

The Board of Education is committed to meeting its financial responsibility to the public.

The Superintendent shall be responsible for maintaining the financial records in an auditable form and reporting the financial condition of the school district to the Board.

The Superintendent shall prepare, or cause to be prepared, all fiscal reports, maintain records to control adequately the financial transactions of the district, and prepare financial statements.

**Interim Financial Reporting**

Two fiscal reports shall be prepared under the direction of the Superintendent and submitted to the Board within 45 days after October 31 and January 31.

Reports submitted by the Superintendent or designee shall be judged together with other relevant information on the basis of standards and criteria established by law.

**Certification Requirements**

The Board shall certify in writing, whether or not the school district can meet its financial obligations through the remainder of the fiscal year, within 45 days of the close of the reporting period.

**Prior Year Actual Unaudited Financial Records**

By September 15, the Superintendent or designee shall prepare and keep on file, for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and the estimated total income and expenditures for the district for the current fiscal year.

**Operational Procedures**

The Superintendent shall file all fiscal reports with the county, state or federal agencies, as required.

*Legal Reference: (see next page)*

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

*Legal Reference:*

EDUCATION CODE

1240 Duties of County superintendent of schools  
14500-14508 Financial and compliance audits  
17150-17150.1 Public disclosure of non-voter-approved debt  
17170-17199.5 California School Finance Authority  
33127 Standards and criteria for local budgets and expenditures  
33128 Standards and criteria; inclusions  
33129 Standards and criteria; use by local agencies  
35035 Powers and duties of superintendent  
41010-41023 Accounting system  
41326 Emergency apportionment  
41344 Repayment of apportionment significant audit exceptions  
41344.1 Appeals of audit findings  
41455 Examination of financial problems of local districts  
42100-42105 Requirement to prepare and file annual statement  
42120-42129 Budget requirements  
42130-42134 Financial reports and certifications  
42140-42142 Public disclosure of fiscal obligations  
42637 County Superintendent review of district's financial and budgetary conditions  
42652 Revocation or suspension of warrant authority  
48300-48316 Student attendance alternatives

GOVERNMENT CODE

3540.2 School district; qualified or negative certification; proposed agreement review and comment  
7900-7914 Appropriations limit  
16429.1 Local agency investment fund  
53646 Reports of investment policy and compliance

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure  
15070 Submission of reports using standardized account code structure  
15440-15451 Criteria and standards for school district budgets  
15453-15464 Criteria and standards for school district interim reports  
19810-19816.1 Audits

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2006*

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

*New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007*

*1208.00 Audit Resolution Process: Repayment Plans*

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

*Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006*

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

*Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009*

*Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004*

*Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999*

*Management Resources continued: (see next page)*

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

*Management Resources: (continued)*

U.S. GENERAL ACCOUNTING OFFICE AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY (PCIE) PUBLICATIONS

*Financial Audit Manual, revised 2003*

U.S. OFFICE OF MANAGEMENT AND BUDGET CIRCULARS

*A-133 Audits of States, Local Governments, and Non-Profit Organizations*

STATE CONTROLLER PUBLICATIONS

*Standards and Procedures for Audits of California K-12 Local Educational Agencies (annual publication)*

WEB SITES

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

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

School Services of California: <http://www.sscal.com>

State Controller's Office: <http://www.sco.ca.gov>

U.S. Government Accounting Office: <http://www.gao.gov>

U.S. Office of Management and Budget: <http://www.whitehouse.gov/omb>

**FACILITIES - MAINTENANCE AND OPERATIONS**

An effective educational program requires clean, healthful, safe, businesslike, and attractive buildings and grounds.

The Superintendent is directed to set up an operations and maintenance program which will ensure proper care, protection, and improvement of the district facilities.

The Board of Education requests the cooperation of students, teachers, and administrators to support the custodians and maintenance personnel in carrying out such a program.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

**ENERGY AND WATER MANAGEMENT**

The Board of Education recognizes the importance of minimizing the district's use of natural resources, providing a high-quality environment that promotes health and productivity, and effectively managing the district's fiscal resources. To that end, the Superintendent or designee shall develop a resource management program which includes strategies for implementing effective and sustainable resource practices, exploring renewable and clean energy technologies, reducing energy and water consumption, minimizing utility costs, reducing the amount of waste of consumable materials, encouraging recycling and green procurement practices, and promoting conservation principles.

The Superintendent or designee shall regularly inspect district facilities and operations and make recommendations for maintenance and capital expenditures which may help the district reach its conservation and management goals.

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its conservation and management goals.

The Superintendent or designee shall periodically report to the Board on the district's progress in meeting its conservation and management goals.

**Storm Water Management**

The Board desires to ensure that, to the maximum extent practicable, the district reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff. When the district has been designated by the State Water Resources Control Board or a regional water quality control board, the Superintendent or designee shall ensure that the district complies with applicable General Permit requirements.

The Superintendent or designee shall develop a storm water management plan and shall submit the plan and a resolution authorizing the implementation of the plan to the Board for approval. The district's plan shall describe best management practices, measurable goals, and timetables for implementation in the following areas:

1. Public education and outreach on storm water impacts
2. Public participation, such as participation in adoption and implementation of the plan
3. Illicit discharge detection and elimination, such as maps and programs to detect and eliminate illicit non-storm water discharges
4. Construction site storm water runoff control, such as reviewing construction plans, inspecting sites, and tracking construction site runoff, as well as erosion and sediment controls



**ENERGY AND WATER MANAGEMENT (continued)**

5. Post-construction storm water management, such as developing design standards for preventing runoff and verifying proper maintenance and operation of control procedures
6. Pollution prevention and good housekeeping, such as evaluating waste disposal, material storage, and equipment-cleaning procedures and spill prevention, including at bus maintenance facilities

The Superintendent or designee shall regularly report to the Board on the status of the district's implementation efforts.

*Legal Reference:*

EDUCATION CODE

41422 School term or session length, failure to comply due to disaster

46392 Emergency conditions; ADA estimate

PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance

WATER CODE

13383.5 Storm water discharge monitoring requirements

CODE OF REGULATIONS, TITLE 23

2200 Discharge permit fees

UNITED STATES CODE, TITLE 33

1342 National pollutant discharge elimination system

CODE OF FEDERAL REGULATIONS, TITLE 40

122.1-122.64 National pollutant discharge elimination system

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0118.01 California's Energy Challenge

0706.90 Water Conservation Advisory, 90-09

0222.90 Average Daily Attendance Credit During Periods of Emergency 90-01

WEB SITES

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

Alliance to Save Energy: <http://www.ase.org>

California Department of Education, Facilities: <http://www.cde.ca.gov/lr/fa>

California Energy Commission: <http://www.energy.ca.gov>

California State Water Resources Control Board: <http://www.swrcb.ca.gov>

Department of General Resources, Green California, Sustainable Schools:

<http://www.green.ca.gov/GreenBuildings/schools>

**INTEGRATED WASTE MANAGEMENT**

The Board of Education believes that the conservation of natural resources and the protection of the environment are connected to the district's educational mission and are essential to the health and well-being of the community. The Superintendent or designee shall develop and/or implement a cost-effective, integrated waste management program that incorporates the principles of green school operations.

The district's program shall include strategies designed to help the district reduce solid and hazardous waste generation, improve efficiency in its use of natural resources, and minimize the impact of such use on the environment. The program shall address all areas of the district's operations, including, but not limited to, procurement, resource utilization, and facilities management practices.

The Superintendent or designee may collaborate with city, county, and state agencies and other public or private agencies in developing and implementing the district's integrated waste management program.

The Superintendent or designee shall make every effort to identify funding opportunities for the district's integrated waste management program including applying for available grants or other cost-reduction incentives.

To the extent that funding permits, the Superintendent or designee shall provide appropriate educational and training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.

The Superintendent or designee shall regularly monitor all aspects of the district's integrated waste management program and shall provide an update to the Board on its effectiveness as necessary.

*Legal Reference: (see next page)*

**INTEGRATED WASTE MANAGEMENT (continued)**

*Legal Reference:*

EDUCATION CODE

8700-8707 *Environmental education*

17070.96 *Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards*

17072.35 *New construction grants; use for designs and materials for high performance schools*

32370-32376 *Recycling paper*

33541 *Environmental education*

PUBLIC RESOURCES CODE

25410-25421 *Energy conservation assistance*

40050-40063 *Waste management; integrated waste management*

41780 *Waste diversion*

42620-42622 *Source reduction and recycling programs*

42630-42647 *School site source reduction and recycling*

42649-42649.7 *Recycling of commercial solid waste*

CODE OF REGULATIONS, TITLE 14

17225.12 *Commercial solid waste*

*Management Resources:*

WEB SITES

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

California Department of Resources Recycling and Recovery:

<http://www.calrecycle.ca.gov/ReduceWaste/Schools>

California Division of State Architect: <http://www.dgs.ca.gov/dsa>

California Energy Commission: <http://www.energy.ca.gov>

California Environmental Protection Agency: <http://www.calepa.ca.gov>

U.S. Environmental Protection Agency: <http://www.epa.gov>

**CELLULAR PHONE REIMBURSEMENT**

The Board of Education understands that cellular phones and other mobile communications devices are an efficient and important method of conducting district business and can help to ensure the safety and security of staff, students, and others, as well as helping to protect district property.

The Superintendent or designee shall determine, in accordance with administrative regulation, whether an employee needs a cell phone and/or other mobile communications device in order to perform his/her job responsibilities.

*Legal Reference:*

EDUCATION CODE

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 26

280F Limitation on depreciation for luxury automobiles, etc.

CODE OF FEDERAL REGULATIONS, TITLE 26

1.132-5 Working conditions fringe benefit

*Management Resources:*

WEB SITES

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

**FACILITIES: PARKING AND BIKEWAYS ON SCHOOL PROPERTY**

The principal shall be responsible for enforcing the rules governing vehicular and bicycle parking for faculty and students with respect to:

1. Erecting and maintaining signs identifying the parking areas, speed limits, traffic flow, etc.
2. Marking and identifying parking spaces, including any spaces specifically reserved for school business, persons with disabilities, visitors, Board members, delivery and service vehicles.
3. Supervising parking areas to warn or take appropriate action against rule violations.
4. Providing each driver with forms and procedures for registering and identifying persons who are permitted to park in designated spaces.

Bikeways for non-motorized vehicles may be established on school property provided that they shall not cross established play areas or pedestrian walkways, but shall be limited to driveways, parking lots, and perimeter areas.

**Posting Grounds**

In order to reduce hazards to students, staff, and the grounds, school properties shall be posted with the required sign to enforce local and state parking and trespassing laws.

*Legal Reference:*

VEHICLE CODE

*21113 Regulation of Vehicles and animals on public properties*

CALIFORNIA PENAL CODE

*602, 626.6*

BELLFLOWER MUNICIPAL CODE

*3-3.12 Trespassing*

LAKEWOOD MUNICIPAL CODE

*4352 Trespassing*

*4253 Parking on public or private property*

**TOBACCO-FREE SCHOOLS/SMOKING**

The Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

In accordance with state and federal law, the use of tobacco products is prohibited at any time in all district facilities and vehicles.

The Board further prohibits the use of tobacco products at all times on district grounds. This prohibition applies to all employees, students, visitors, and other persons at any activity or athletic event on property owned, leased, or rented by or from the district.

The Superintendent or designee shall inform students, parents/guardians, employees, and the public about this policy and related procedures.

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property.

*Legal Reference: (see next page)*

**TOBACCO-FREE SCHOOLS/SMOKING (continued)**

*Legal Reference:*

EDUCATION CODE

48900 *Grounds for suspension/expulsion*

48901 *Prohibition against tobacco use by students*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*

104350-104495 *Tobacco use prevention, especially:*

104495 *Prohibition of smoking and tobacco waste on playgrounds*

119405 *Unlawful to sell or furnish electronic cigarettes to minors*

LABOR CODE

3300 *Employer, definition*

6304 *Safe and healthful workplace*

6404.5 *Occupational safety and health; use of tobacco products*

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

7100-7117 *Safe and Drug Free Schools and Communities Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 *Unlawful sale of cigarettes and smokeless tobacco to minors*

PERB RULINGS

*Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)*

*CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)*

*Management Resources:*

WEB SITES

*California Department of Education, Alcohol, Tobacco and Other Drug Prevention:*

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

*California Department of Education, Tobacco-Free School District Certification:*

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

*California Department of Public Health, Tobacco Control:* <http://www.cdph.ca.gov/programs/tobacco>

*Occupational Safety and Health Standards Board:* <http://www.dir.ca.gov/OSHSB/oshsb.html>

*U.S. Environmental Protection Agency:* <http://www.epa.gov>

**SAFETY**

The Board of Education believes that district students and employees have the right to learn and work in a safe and peaceful school.

**Hazards Alert**

All members of the school community should be alert to any explosive toxic or incendiary hazards which may jeopardize the safety of students, employees, or the public.

Precautionary measures against fire, explosion and other physical hazards shall be established and vigorously observed.

Besides assuring that its physical plants are secure, the Board is committed to protecting students, employees, and the public from potentially disruptive or violent situations on school grounds. District campuses shall enforce Board policies related to safety, crime, student conduct, and discipline.

Employees are requested to promote safe and healthy work practices and to maintain property and equipment in safe operating conditions at all times.

**Operational Procedure**

The Superintendent shall ensure that principals report all school crimes and that this information is submitted to the State Department of Education. Copies of crime reports shall be made available to the public upon request for the actual cost of duplication.

*Legal Reference: (see next page)*



**SAFETY** (continued)

*Legal Reference:*

EDUCATION CODE

17002 Definition of "good repair"

17070.75 Facilities inspection

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000, least toxic pest management practices

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000, least toxic pest management practices

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

HEALTH AND SAFETY CODE

105400-105430 Indoor environmental quality

113700-114437 California Retail Food Code, sanitation and safety requirements

CODE OF REGULATIONS, TITLE 5

14010 Standards for school site selection

CODE OF REGULATIONS, TITLE 8

337-339 Hazardous substances list

340-340.2 Occupational safety and health, rights of employees

1528-1533 Construction safety orders; exposure to hazards

5139-5223 Control of hazardous substances

CODE OF REGULATIONS, TITLE 13

2480 Vehicle idling

CODE OF REGULATIONS, TITLE 17

35001-36100 Lead abatement services

CODE OF REGULATIONS, TITLE 22

64670-64679 Lead and copper in drinking water

UNITED STATES CODE, TITLE 7

136-136y Use of pesticides

UNITED STATES CODE, TITLE 15

2601-2629 Control of toxic substances

2641-2656 Asbestos Hazard Emergency Response Act

UNITED STATES CODE, TITLE 42

1758 Food safety and inspections

CODE OF FEDERAL REGULATIONS, TITLE 40

141.1-141.723 Drinking water standards

745.61-745.339 Lead-based paint standards

763.80-763.99 Asbestos-containing materials in schools

763.120-763.123 Asbestos worker protections

*Management Resources: (see next page)*

**SAFETY (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Indoor Air Quality: Board of Education Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

*Food Safety Requirements, Fact Sheet, October 2007*

*Sun Safety in Schools, Policy Brief, July 2006*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Site Selection and Approval Guide, 2000*

*Indoor Air Quality, A Guide for Educators, 1995*

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

*Report to the Legislature: Lead Hazards in California's Public Elementary Schools and Child Care Facilities, April 1998*

U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS

*Indoor Air Quality Tools for Schools, rev. 2007*

*Healthy School Environments Assessment Tool, 2007*

*The ABCs of Asbestos in Schools, rev. August 2003*

*Mold Remediation in Schools and Commercial Buildings, March 2001*

*How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996*

WEB SITES

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

AirNow: <http://www.airnow.gov>

American Association of School Administrators: <http://www.aasa.org>

California Air Resources Board: <http://www.arb.ca.gov>

California Department of Education, Health and Safety: <http://www.cde.ca.gov/ls/fa/hs>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

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

California Indoor Air Quality Program: <http://www.cal-iaq.org>

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

Consumer Product Safety Commission: <http://www.cpsc.gov>

National Center for Environmental Health: <http://www.cdc.gov/nceh>

Occupational Safety and Health Administration: <http://www.osha.gov>

U.S. Environmental Protection Agency: <http://www.epa.gov>

**HAZARDOUS SUBSTANCES**

The Board of Education recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

**Hazard Communication Program**

The Superintendent or designee shall develop, implement, and monitor a written hazard communication program in accordance with state law. As part of this program he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed and that material safety data sheets are readily accessible to them.

The written hazard communication program shall address the following program categories:

1. Container Labeling - No container of hazardous substance shall be accepted by schools or the district unless labeled by the supplier with the following information:
  - a. Identity of the hazardous substance(s)
  - b. Hazard warning statements
  - c. Name and address of the chemical manufacturer or vendor

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Material Safety Data Sheets - The Superintendent or designee shall ensure that the manufacturer of a hazardous substance or mixture has also furnished a Material Safety Data Sheet (MSDS) as required by law.

The Business Services Office and the site shall maintain copies of MSDS for all hazardous substances and ensure that they are available to all affected employees during working hours.

3. Employee Information and Training - Employees shall receive in-service training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall provide:
  - a. An overview of the requirements of California's Hazard Communication Regulation, including, employee rights described herein.
  - b. The location, availability, and content of the district's written hazard communication program.

**HAZARDOUS SUBSTANCES** (continued)

- c. Information as to any operations in the employees' work area where hazardous substances are present.
- d. The physical and health effects of the hazardous substances in the work area.
- e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area.
- f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment, and engineering controls.
- g. Steps the district has taken to lessen or prevent exposure to these substances.
- h. Instruction on how to read labels and review the MSDS for appropriate information.
- i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s).

4. List of Hazardous Substances

For specific information about the hazardous substances known to be present in the district and schools, employees may consult the MSDS.

The following materials are exempted from the Hazard Communication Program and this district regulation: hazardous wastes, tobacco products; wood and wood products; manufactured articles; food, drugs, and cosmetics used by employees.

5. Procedures for Hazardous Substances

Teachers shall instruct students as to the importance of proper handling, storage, disposal and protection with regard to all potentially hazardous substances.

6. Inspections

The Superintendent or designee shall ensure that the schools are regularly inspected to identify potential sources of risk. When new environmental risks are discovered, the Superintendent or designee shall inform the Board.

**HAZARDOUS SUBSTANCES** (continued)

7. Operational Procedures

Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property. The Board encourages staff to substitute less dangerous materials for hazardous ones whenever feasible.

**Toxic Art Supplies**

The Board recognizes its responsibility to protect the health and safety of students in the selection of materials used for instruction in arts and crafts activities.

The Superintendent or designee shall develop procedures for the purchase, use, and proper disposal of arts and crafts materials which ensure that the health and safety of students is protected from harmful exposure to toxic substances in accordance with Education Code 32064 and established health standards. Toxic art supply information shall be made available at each site in the Safety Manual.

The Superintendent or designee shall ensure that arts and crafts material purchased for use by students in grades K-6 will not contain toxic substances or cause chronic illness as determined by the State Department of Health Services.

Students in grades 7-12 are considered able to read and understand product labels and to take adequate precautions to use products which are prohibited for use in grades K-6. The Superintendent or designee shall ensure that arts and crafts materials purchased for use in grades 7-12 meet the requirements of Education Code 32065. The products must be properly labeled to identify toxic ingredients, warn of potential adverse health effects and describe procedures for safe use and storage.

*Legal Reference: (see next page)*

**HAZARDOUS SUBSTANCES (continued)**

*Legal Reference:*

EDUCATION CODE

49341 *Legislative findings*

49401.5 *Legislative intent; consultation services*

49411 *Chemical listing; compounds used in school programs; determination of shelf life; disposal*

FOOD AND AGRICULTURAL CODE

12981 *Regulations re pesticides and worker safety*

HEALTH AND SAFETY CODE

25163 *Transportation of hazardous wastes; registration; exemptions; inspection*

25500-25520 *Hazardous materials release response plans; inventory*

LABOR CODE

6360-6363 *Hazardous Substances Information and Training Act*

CODE OF REGULATIONS, TITLE 8

5194 *Hazard communication*

**CAMPUS SECURITY**

The Board of Education is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

**Surveillance Systems**

The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security. In consultation with the safety planning committee and relevant staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement, as appropriate.

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

*Legal Reference: (see next page)*

**CAMPUS SECURITY** (continued)

*Legal Reference:*

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security patrols

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

*New Jersey v. T.L.O.* (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 257 (2000)

75 *Ops.Cal.Atty.Gen.* 155 (1992)

*Management Resources:*

CSBA PUBLICATIONS

*Protecting Our Schools: Board of Education Strategies to Combat School Violence, 1999*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Safe Schools: A Planning Guide for Action, 2002*

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

*The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999*

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss/>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>



**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

The Board of Education shall pay the cost of replacing or repairing employee personal property, except cash, which has been stolen, destroyed, or maliciously damaged through no fault of the employee, while being used in district schools.

**Approval for Use of Personal Items**

Reimbursement for personal items used for work-related purposes shall be made only if the principal or designee approved the use of the personal property in school before the property was brought to school and at that time agreed on the value of the property.

No payment shall be made for any loss having a value of less than \$50 at the time of damage or theft. No payment shall be made for repairs of less than \$50.

**Vehicle Damage**

Reimbursement for vehicle damage shall be limited to payment of the deductible amount of the employee's insurance policy. Not to exceed \$500. Such reimbursement will be made after a paid receipt and proof of deductible are presented.

**Responsibility**

Reimbursement shall not be made in the case of collision, theft of an entire vehicle, theft of optional attached, equipment such as a radio, tape deck, tapes or cassettes, or damage to a vehicle resulting from actual theft of the vehicle.

No reimbursement shall be made for accidental damage or for any loss suffered because of lack of personal supervision or failure to keep property in a locked area available to the owner.

*Legal Reference: (see next page)*

**RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)**

*Legal Reference:*

EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent/guardian for willful misconduct

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage

53069.6 Actions to recover damages

54951 Local agency, definition

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

*Management Resources:*

WEB SITES

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

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

**EMERGENCY PROCEDURES**

The Emergency Procedures policy is to provide for the safety and welfare of all students and school personnel in the schools. Earthquake, emergency, fire, and take-cover procedures in schools within the district shall be in conformance with state, county, and city requirements.

The Superintendent shall be responsible for the preparation of the Emergency Preparedness Plan for the school district which would include:

1. District personnel responsibilities
2. Major procedures to follow in an emergency
3. Radio procedures and post emergency responsibilities
4. Preparation of an Emergency Preparedness Plan at each site
5. Emergency preparedness equipment and supplies
6. Preparation and training procedures for an emergency
7. Master calendar of emergency drills
8. Designation of an emergency coordinator for the school district

*Legal Reference: (see next page)*

## **EMERGENCY PROCEDURES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

32001 *Fire alarms and drills*

32040 *Duty to equip school with first aid kit*

32280-32289 *School safety plans*

32290 *Safety devices*

39834 *Operating overloaded bus*

46390-46392 *Emergency average daily attendance in case of disaster*

49505 *Natural disaster; meals for homeless students; reimbursement*

#### GOVERNMENT CODE

3100 *Public employees as disaster service workers*

8607 *Standardized emergency management system*

#### CODE OF REGULATIONS, TITLE 5

550 *Fire drills*

560 *Civil defense and disaster preparedness plans*

#### CODE OF REGULATIONS, TITLE 19

2400-2450 *Standardized emergency management system*

#### UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Avian Influenza, Governance and Policy Services Fact Sheet, April 2006*

*911! A Manual for Schools and the Media During a Campus Crisis, 2001*

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

*Pandemic Influenza Planning Checklist, 2006*

#### CONTRA COSTA COUNTY OFFICE OF EDUCATION

*Pandemic Flu School Action Kit, June 2006*

#### GOVERNOR'S OFFICE OF EMERGENCY SERVICES

*School Emergency Response: Using SEMS at Districts and Sites, June 1998*

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003*

#### WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

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

Contra Costa County Office of Education, Pandemic influenza resources:

[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>

U.S. Department of Homeland Security: <http://www.dhs.gov>

**AIR POLLUTION**

The district acknowledges the potentially adverse effects of smog conditions on the health of its students and employees and accepts responsibility for:

1. Instructing students about the effects of smog upon plant and animal life.
2. Notifying all students and school personnel when smog episodes are predicted or declared.
3. Modifying school programs and work assignments for the protection of its students and employees when smog episodes are declared.
4. Cooperating with other governmental agencies and with the total community in matters of critical concern regarding smog.

The Superintendent or designee shall establish procedures for modifying school programs and work assignments when smog unhealthy episodes are declared or predicted.

Smog episodes are attained in the school district according to the standards established by the South Coast Air Quality Management District as measured at the Zone 4 and 5 (Whittier) Monitoring Station.

**TRANSPORTATION**

The school district shall be responsible for transporting students to and from school as well as for school related trips as provided for under state laws and regulations.

The availability of student transportation shall be based on a determination of student needs and the availability of school district funds and reimbursements from the state.

**Administering the Student Transportation Program**

The Superintendent is directed to administer the student transportation program in ways that compliment the following goals by providing for:

1. Maximum safety of students between home and school and school-sponsored trips
2. Encouraging desirable student behavior with respect to traffic safety and proper conduct
3. Proper transportation assistance for handicapped students
4. Field trips, extra and co-curricular field trips

The school district shall not require any student to be transported for any purpose without the written permission of the parent/guardian except in the case of an emergency.

Transportation of students to schools other than the school of residence is subject to prior approval by the Superintendent or designee.

The Superintendent shall be responsible for approving all school bus stops.

The Superintendent shall be responsible for developing procedures for the administration of the student transportation program.

*Legal Reference: (see next page)*

**TRANSPORTATION** (continued)

*Legal Reference:*

EDUCATION CODE

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39860 *Transportation, especially:*

39800 *Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"*

39801 *Contract with County Superintendent of Schools to provide transportation*

39802-39803 *Bids and contracts for transportation services*

39806 *Payments to parents in lieu of transportation*

39807 *Food and lodging payments in lieu of transportation*

38807.5 *Transportation fees*

39808 *District transportation of private school students*

41850-41854 *Allowances for transportation*

41860-41862 *Supplemental allowances for transportation*

45125.1 *Criminal background checks for contractors*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 5

14100-14103 *Use of school buses and school pupil activity buses*

15240-15343 *Allowances for student transportation, especially:*

15253-15272 *District records related to transportation*

VEHICLE CODE

2807 *School bus inspection*

COURT DECISIONS

*Arcadia Unified School District et. al. v. State Department of Education, 2 Cal. 4th 251 (1992)*

**TRANSPORTATION ROUTES AND SERVICES**

All transportation of students to and from school or any school related trip shall be in school buses which meet Education and Vehicle Code requirements as administered by the California Highway Patrol.

**Distance Requirements to Qualify for Transportation**

Regular students shall be furnished transportation to and from school by school bus as follows:

1. Primary students, grades (K-3) residing at least three fourths of a mile from school.
2. Intermediate students (4-6 grades) residing not less than one mile from school.
3. Junior high students (7-8 grades) residing not less than one and one-half miles from school.
4. High school students (9-12 grades) residing not less than two miles from school.

**Emergency Transportation in Private Vehicles**

Students may be transported home in vehicles owned by certificated district employees under emergency conditions. Whether an emergency exists shall be determined within the reasonable discretion of the principal or acting school administrator.

As a last resort, or during an emergency, teacher aides may transport student's home in privately owned vehicles.

**Transportation for Special Groups**

The Board authorizes the use of school buses for the following non-school purposes as allowed by law:

1. Senior citizen groups
2. Lease of school buses to governmental agencies
3. Community recreation purposes
4. Transportation of students to places of summer employment
5. National emergencies
6. Transportation of employees to educational activities



**TRANSPORTATION ROUTES AND SERVICES** (continued)

7. Transportation of parents/guardians to educational activities
8. Transportation of parents/guardians for early primary classes

The Superintendent shall require the payment of a reasonable charge for transportation furnished when appropriate. The Superintendent shall ensure that the special use of buses does not interfere with the regular transportation provided by the school district for students.

The Board shall grant the use of buses for special purposes at its discretion.

*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>

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

School vehicles shall be used to transport students for school related trips as authorized by the Board of Education and as permitted by law.

Variation from this policy requires specific approval of each exception by the Board.

**Approval for School Related Trips**

The Superintendent is responsible for approving all school related trips for athletic, extra and co-curricular activities.

The Board shall not require any student to be transported for any purpose without the written permission of the parent/guardian.

**Staff and Volunteer Transporting of Students**

Under limited circumstances, certificated teachers and coaches may provide transportation to athletic, extra and co-curricular trips in privately owned vehicles if the parents/guardians approve of the transportation in advance of activity.

Volunteer drivers may be approved by the principal to transport students to athletic, extra and co-curricular activities only as a last resort when certificated and classified employees are unavailable to provide transportation. Parents/guardians must approve of this transportation in advance of the athletic, extra or co-curricular activity

All individuals providing transportation in private vehicles shall be an adult of age 21 or older and shall provide the principal with a copy of a valid driver's license and a current auto insurance policy.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. All passengers and driver shall wear seat belts in accordance with the law.

**Private Carriers**

A school may elect to provide buses for athletic, extra and co-curricular activities by leasing or contracting with a private carrier, upon approval from the Superintendent.

All buses used for student transportation must be obtained through licensed carriers for student busing only and be properly inspected in accordance with Vehicle Code requirements.

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)**

*Legal Reference:*

EDUCATION CODE

35330 *Excursions and field trips*

35332 *Transportation by air*

39830 *School bus*

39830.1 *School pupil activity bus*

39860 *Transportation to special activities by district*

44808 *Liability when students not on school property*

HEALTH AND SAFETY CODE

118947-118949 *Prohibition against smoking in motor vehicle with minor*

PUBLIC UTILITIES CODE

5384.2 *District not liable for charter-party carrier*

VEHICLE CODE

545 *School bus, definition*

12814.6 *Limitations of provisional driver's license*

27315 *Mandatory use of seat belts in private passenger vehicles*

27360-27360.5 *Child passenger restraint systems*

27363 *Child passenger restraint systems, exemptions*

*Management Resources:*

WEB SITES

*California Department of Motor Vehicles: <http://www.dmv.ca.gov>*

*California Highway Patrol: <http://www.chp.ca.gov>*

*California Office of Traffic Safety: <http://www.ots.ca.gov>*

*National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>*

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

The school district shall furnish transportation for special education students in conformity with the requirements and standards established by the state of California.

*Legal Reference:*

EDUCATION CODE

39807.5 *Payment of transportation cost*

39839 *Guide dogs, signal dogs and service dogs on bus*

41850-41854 *Allowances for transportation*

48300-48315 *Alternative interdistrict attendance program*

48915.5 *Expulsion of students with exceptional needs*

56195.8 *Adoption of policies*

56327 *Assessment for special education and related services*

56345 *Individualized education program*

56366 *Nonpublic nonsectarian schools or agencies*

56366.1 *Waiver of requirements under section 56365 and 56366*

CODE OF REGULATIONS, TITLE 5

15050 *Transfer of funds to child development fund and development center for handicapped pupils fund*

15243 *Physically handicapped minors*

15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 *Federal requirements for bus securement systems*

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0500.92 *Implementation of Special Education Transportation Apportionment (#92-02)*

CDE PROGRAM ADVISORIES

0609.95 *School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)*

**BUS DRIVER'S AUTHORITY**

Students transported in a school 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 student's while they are on the bus or being escorted across the street.

A bus driver shall not require any student to leave the bus enroute between home and school or field trips.

When a life threatening situation occurs, the bus driver shall:

1. Stop the bus, evacuate affected passengers, try to wave down assistance and keep the passengers in a sheltered area.
2. Drive to a police station or fire station and ask for assistance.

The Superintendent shall be responsible for developing procedures for the suspension of riding privileges.

*Legal References:*

EDUCATION CODE

39820 Provision of transportation

39830 School bus

39831 Use of school buses

39833 Without operator's qualifications

39834 Operating overloaded bus

ADMINISTRATIVE CODE - TITLE 5

1217 Ejection of students

14102 Bus Evacuation

14103 Authority of driver; denial of transportation

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

It is the intent of the Board of Education that the food service programs shall be self-supporting, non-profit programs. All proceeds from food sales and other services offered by the cafeteria shall be deposited into the cafeteria fund as provided by law.

**Financial Reporting**

A financial report of the operation of the food services program shall be presented quarterly to the Board.

**Annual Audit**

An annual audit of the operation of the food services program shall be performed as a part of the district audit program.

**Application for Subsidies**

The Board recognizes the educational and nutritional values of school cafeterias and will consider subsidies for the operation of the cafeteria.

**Purchasing**

Perishable foodstuffs and seasonal commodities needed in the operation of the cafeterias may be purchased by bidding or on a day to day basis without bidding.

All purchases for supplies shall be purchased in accordance with district purchasing policies.

**Establishing Operational Procedures**

The Board directs the Superintendent or designee to institute such procedures in the following areas as will best achieve an effective school cafeteria operation:

1. An emphasis on the nutritional and educational values
2. An efficient personnel assignment formula
3. Cost containment procedures for food and supplies
4. Use of centralized warehousing
5. Use of standardized procedures
6. Use of centralized kitchen facilities for production
7. The pickup, deposit, and electronic transmission of financial receipts

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*Legal Reference:*

EDUCATION CODE

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

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs  
1771-1791 Child nutrition, including:  
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

255 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program  
250.1-250.70 USDA foods

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

USDA-FDP-02-2010 Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, August 2010

USDA-SNP-01-2008 Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, February 2008

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

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

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

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

**SUMMER MEAL PROGRAM**

The Board of Education recognizes that child nutrition programs have a positive and direct impact upon children's well-being and achievement. To help students and other children in the community remain well nourished throughout the summer vacation, the district shall sponsor a summer meal program as approved by the California Department of Education (CDE).

The district may apply to the CDE to provide meals to children during any extended break in a year-round school schedule. (42 USC 1761; 7 CFR 225.2, 225.6, 225.14)

Between October and April, or at any time or school on a year-round schedule, the district may serve meals at a nonschool site in cases of unanticipated school closures, such as a natural disaster, unscheduled major building repair, court order related to school safety or other issues, labor-management dispute, or similar cause as approved by the CDE. (42 USC 1761; 7 CFR 225.6)

The Superintendent or designee shall recommend to the Board one or more sites for meal services based on state and federal program criteria and an assessment of family and community needs. When feasible, the Superintendent or designee shall involve local governmental agencies, food banks, and/or community organizations in identifying suitable site locations. The site(s) shall be approved by the CDE before meal service is initiated.

The summer meal program may be offered in conjunction with educational enrichment or recreational activities in order to encourage participation in other wellness and learning opportunities.

The Superintendent or designee shall develop and coordinate outreach and promotional activities to inform parents/guardians and the community about the availability of the summer meal program and its location(s) and hours.

The Superintendent or designee shall maintain accurate records of all meals served and shall ensure the timely submission of reimbursement claims in accordance with state procedures.

The Superintendent or designee shall regularly report to the Board regarding program implementation, number of participants at each site, feedback from participating children and their parents/guardians regarding menus and service, and program costs. As needed, the Board shall direct the Superintendent or designee to identify program modifications to increase program quality or children's access to meal services.



## **SUMMER MEAL PROGRAM (continued)**

### *Legal References:*

#### EDUCATION CODE

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*

49547-49548.3 *Comprehensive nutrition services*

49550-49562 *Meals for needy students*

49570 *National School Lunch Act*

#### CODE OF REGULATIONS, TITLE 5

15510 *Mandatory meals for needy students*

15550-15565 *School lunch and breakfast programs*

#### UNITED STATES CODE, TITLE 42

1751-1769i *School lunch programs, including:*

1751 *Note Local wellness policy*

1761 *Summer Food Service Program and Seamless Summer Feeding Option*

1771-1792 *Child nutrition, especially:*

1773 *School breakfast program*

#### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.22 *National School Breakfast Program*

225.1-225.20 *Summer Food Service Program*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Providing Access to Nutritious Meals During Summer, Policy Brief, June 2010*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

#### CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

*USDA-SFSP-06-2008 Summer Food Service Program Outreach Requirement Clarification, October 2008*

#### U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*The Summer Food Service Program: Food That's In When School is Out, 2010, Nutrition Guidance for Sponsors, rev. March 2010*

*The Summer Food Service Program: Food That's In When School is Out, 2010 Site Supervisor's Guide, rev. January 2010*

*The Summer Food Service Program: Food That's In When School is Out, 2010 Monitor's Guide, rev. January 2010*

*Management Resources: (continued on next page)*

**SUMMER MEAL PROGRAM (continued)**

*Management Resources: (continued)*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS (continued)

*The Summer Food Service Program: Food That's In When School is Out, 2010 Administrative Guidance for Sponsors, rev. December 2009*

*National School Lunch Program's Seamless Summer Option Questions and Answers, 2009*

WEB SITES

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

California Center for Research on Women and Families, Summer Meal Program Coalition:  
<http://www.ccrwf.org>

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

California Food Policy Advocates: <http://www.cfpa.net>

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

Child Nutrition Information and Payment System: <https://www.cnips.ca.gov>

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

**FREE AND REDUCED PRICE MEALS**

National School Lunch Program regulations require that lunches be provided for needy students when family income is insufficient to provide the basic necessities.

**Notification Requirements**

Parents/guardians shall be informed of district policy concerning "Meals for Needy Children" by letter and application form each year. All parents/guardians shall be notified as they register during the year.

**Establishing Operational Procedures**

The Superintendent and staff are directed to develop procedures to implement the free and reduced price meal program for needy children.

**Confidentiality/Release of Records**

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential except as provided by law. (Education Code 49558)

The Board of Education authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services

*Legal Reference: (see next page)*

**FREE AND REDUCED PRICE MEALS** (continued)

*Legal Reference:*

EDUCATION CODE

48980 *Notice at beginning of term*

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 of 1974*

49547-49548.3 *Comprehensive nutrition service*

49550-49562 *Meals for needy students*

CODE OF REGULATIONS, TITLE 5

15510 *Mandatory meals for needy students*

15530-15535 *Nutrition education*

15550-15565 *School lunch and breakfast programs*

UNITED STATES CODE, TITLE 20

1232g *Federal Educational Rights and Privacy Act*

6301-6514 *Title I programs*

UNITED STATES CODE, TITLE 42

1751-1769j *School lunch program*

1771-1791 *Child nutrition, especially:*

1773 *School breakfast program*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.10-220.21 *National School Breakfast Program*

245.1-245.13 *Determination of eligibility for free and reduced-price meals and free milk*

*Management Resources: (see next page)*

**FREE AND REDUCED PRICE MEALS (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

*USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010*

*NSD-SNP-12-2010 Clarification Regarding the Ability to Share Student Meal Program Eligibility Information Between School Food Authorities, April 2010*

*04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004*

*98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Feed More Kids, Improve Program Participation*

*Direct Certification Implementation Checklist, May 2008*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Eligibility Manual for School Meals: Federal Policy for Determining and Verifying Eligibility, January 2008*

*Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002*

WEB SITES

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

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

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

**OTHER FOOD SALES**

The Board of Education believes that sales of foods and beverages at school during the school day should be aligned with the district's goals to promote student wellness. Any food sales conducted outside the district's food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district's food service program.

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices, or other school facilities.

*Legal Reference: (see next page)*

## OTHER FOOD SALES (continued)

### Legal Reference:

#### EDUCATION CODE

35182.5 *Contracts, non-nutritious beverages*

48931 *Authorization and sale of food*

49430-49436 *Pupil Nutrition, Health, and Achievement Act of 2001*

51520 *School premises; prohibited solicitations*

#### CODE OF REGULATIONS, TITLE 5

15500 *Food sales in elementary schools*

15501 *Sales in high schools and junior high schools*

15575-15578 *Requirements for foods and beverages outside federal meals program*

#### HEALTH AND SAFETY CODE

113700-114437 *California Retail Food Code*

#### UNITED STATES CODE, TITLE 42

1751-1769h *National School Lunch Act, including:*

1751 *Note Local wellness policy*

1771-1791 *Child nutrition, School Breakfast Program*

#### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

### Management Resources:

#### CSBA PUBLICATIONS

*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*

*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*

#### CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 *Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006*

#### FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

*Associated Student Body Accounting Manual and Desk Reference, 2002*

#### NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Fit, Healthy and Ready to Learn, 2000*

#### WEB SITES

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

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

National Association of State Boards of Education (NASBE): <http://www.nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center: <http://www.nal.usda.gov/fnic>

**NUTRITION PROGRAM COMPLIANCE**

The Board of Education recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

**Coordinator**

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

**Notifications**

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.



## **NUTRITION PROGRAM COMPLIANCE** (continued)

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

*Legal Reference: (see next page)*

## NUTRITION PROGRAM COMPLIANCE (continued)

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

#### PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

#### CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION

#### PUBLICATIONS

Civil Rights and Complaint Procedures for Child Nutrition Programs, March 2010

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

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

Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

#### WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy  
adopted:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California

**CONSULTANTS**

The Board of Education authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

All consultant contracts shall be brought to the Board for approval.

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this district.

*Legal Reference: (see next page)*

**CONSULTANTS** (continued)

*Legal Reference:*

EDUCATION CODE

10400-10407 *Cooperative improvement programs*

17596 *Limit on continuing contracts*

35010 *Control of districts; prescription and enforcement of rules*

35172 *Promotional activities*

35204 *Contract with attorney*

44925 *Part-time readers employed as independent contractors*

45103 *Classified service in districts not incorporating the merit system*

45103.5 *Contracts for food service consulting services*

45134-45135 *Employment of retired classified employee*

45256 *Merit system districts; classified service; positions established for professional experts on a temporary basis*

GOVERNMENT CODE

53060 *Contract for special services and advice*

*Management Resources:*

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A *Employer's Supplemental Tax Guide*

**DRUG AND ALCOHOL-FREE WORKPLACE**

Pursuant to the requirements of the Drug Free-Workplace Act of 1988, it is the policy of the district to continue to provide a drug and-alcohol-free work place.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace, which includes all facilities under the control or use of the district.

*Legal Reference:*

EDUCATION CODE

44011 *Controlled substance offense*

44425 *Conviction of controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

UNITED STATES CODE, TITLE 20

7111-7117 *Safe and Drug Free Schools and Communities Act*

UNITED STATES CODE, TITLE 21

812 *Schedule of controlled substances*

UNITED STATES CODE, TITLE 41

701-707 *Drug-Free Workplace Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 *Schedule of controlled substances*

COURT DECISIONS

*Cahoon v. Board of Education of Ventura USD, (2009) 171 Cal.App.4th 381*

*Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920*

*Management Resources:*

WEB SITES

*California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>*

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

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

**NONDISCRIMINATION IN EMPLOYMENT**

The Board of Education desires to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Board prohibits any district employee from harassing or illegally discriminating against any other district employee or job applicant as required by State and Federal law.

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. 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 and 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.

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 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**

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.

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: (see next page)*

**NONDISCRIMINATION IN EMPLOYMENT** (continued)

*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: (see next page)*

**NONDISCRIMINATION IN EMPLOYMENT** (continued)

*Management Resources:*

*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*

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

*Notice of Non-Discrimination, August 2010*

*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>*



## **EMPLOYEE USE OF TECHNOLOGY**

The Board of Education recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students, and the community, supporting district and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources primarily for purposes related to their employment.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

### **Online/Internet Services**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the district's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the district's Acceptable Use Agreement.

## **EMPLOYEE USE OF TECHNOLOGY (continued)**

### **Use of Cellular Phone or Mobile Communications Device**

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

#### *Legal Reference:*

##### EDUCATION CODE

51870-51874 *Education technology*

52270-52272 *Education technology and professional development grants*

52295.10-52295.55 *Implementation of Enhancing Education Through Technology grant program*

##### GOVERNMENT CODE

3543.1 *Rights of employee organizations*

##### PENAL CODE

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

##### VEHICLE CODE

23123 *Wireless telephones in vehicles*

23123.5 *Mobile communication devices; text messaging while driving*

23125 *Wireless telephones in school buses*

##### UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

##### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

##### CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

#### *Management Resources:*

##### WEB SITES

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

American Library Association: <http://www.ala.org>

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

Federal Communications Commission: <http://www.fcc.gov>

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

**RECRUITMENT AND SELECTION**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education 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.

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.

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, 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.

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.

**Selection and Employment**

1. General

- a. The Board shall employ personnel on the recommendation of the Superintendent.

**RECRUITMENT AND SELECTION** (continued)

- b. In order to meet the immediate needs of the district, the Superintendent may employ personnel subject to subsequent approval by the Board.
  - c. The Superintendent shall develop the necessary procedures and forms to facilitate the selection and employment of all personnel according to Board policy and state and federal regulations.
2. Management
- All management positions candidates (classified/certificated) shall be selected by the Superintendent.
3. Certificated
- a. Certificated personnel shall be screened using criteria based upon the job's requirements. The successful candidate(s) name(s) shall be forwarded along with background information to the Superintendent for appropriate action.
  - b. The offer of employment shall be made by the administrator responsible for certificated employment.
4. Classified
- a. Classified personnel shall be selected by the immediate supervisor from a list of qualified applicants as determined by the Rules and Regulations of the Personnel Commission.
  - b. Upon notification of the successful candidate by the immediate supervisor, an offer of employment shall be made by the administrator responsible for classified personnel, subject to approval by the Board.

*Legal Reference: (see next page)*

## RECRUITMENT AND SELECTION (continued)

### *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>*

**EMPLOYMENT/TERMINATION OF HEAD START PERSONNEL**

The district has procedures in regards to employment practices for Head Start personnel in accordance with law and current labor agreements. The procedures are included in the Head Start Policies and Procedures hand book.

**HEALTH REQUIREMENTS - CLASSIFIED/CERTIFICATED**

**Physical Examination**

1. The submission of a physical examination report shall be required for initial employment of all certificated candidates at the time of employment. The cost of the examination is to be borne by the candidate.
2. The Board of Education may require staff members to have a physical examination at any time. If such an exam is required by the district, the cost of said exam shall be borne by the district.
3. Cooks, housekeepers, teacher aides attached to the Child Development Programs, and custodial personnel shall provide a report of physical examination as a condition of initial employment. The cost of the examination shall be borne by the applicant.
4. Certificated and classified employees may be required to provide the district with a physician's release after absences as provided by language in the collective bargaining agreement between the district and the Bellflower Education Association and the California School Employees Association. The district reserves the right to require employees to submit to a physical examination by a physician of the district's choice, at district expense when conditions warrant such an examination.

**Chest X-Ray or Mantoux Test**

An examination to check for active tuberculosis shall be provided by certificated and classified employees at the time of initial employment and each four years thereafter. The expense of the initial check shall be borne by the employee and subsequent exams borne by the district. Under normal conditions, the district will request that employees have a Mantoux test. If the test is positive, a chest X-ray will be scheduled at district expense. The report of the tuberculosis exam must be on file in the employee's personnel file.

**All Personnel**

BP 4112.41

4212.41

**PRE-EMPLOYMENT - CONTROLLED SUBSTANCES**

4313.41

In order to promote and maintain a safe, healthy, cooperative, and quality workplace and environment for district students, employees, and visitors, the Board of Education finds, as a valid reason not to employ any person, the use of any mind altering drug which could diminish the person's ability to perform at 100 percent of his/her capabilities or the presence of any such drug in the person's body.

*Legal Reference:*

*Drug-Free Workplace Act of 1988*

*Public Law 100-690, Title V, Subtitle D*

Policy  
adopted:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California



**All Personnel**

BP 4112.41

4212.41

**PRE-EMPLOYMENT - CONTROLLED SUBSTANCES**

4313.41

The district shall take all necessary steps to preclude from employment applicants who fail to satisfactorily pass a screening test for illegal or controlled substance. (The word screening used herein shall mean screening for illegal controlled substances.)

*Illegal substances* are those substances of which the sale or possession is unlawful.

*Controlled substances* are defined as all substances requiring the prescription of a licensed physician in order to be obtained.

Pre-employment screening shall apply to any candidate finalist: all classified positions and all certificate positions requiring a driver's license as a requirement of their employment, (e.g., nurses with split assignments, SIP facilitators, driver's education teachers, adaptive P.E. teachers, and elementary music teachers.)

Persons who submit applications for employment will not be required to undergo screening against their will; however, those applicants who refuse to accept screening as a part of the pre-employment process will NOT be considered for employment.

Job applicants using prescription drugs, who are under the care of a licensed physician, shall so state on the screening release form. Those applicants shall be required to submit the name of their physician to the personnel officer, should screening results be positive. Such applicants will be cleared for employment upon certification by the attending physician that use of prescription drug(s) will not affect the applicant's ability to perform identified job duties.

All candidate finalists testing positive for an illegal or controlled substance may, upon written requests, be provided a follow-up screening test. This test will be conducted within five working days from the date of the positive results of the first test. Results of the second screening test will determine if the pre-employment requirements have or have not been met.

All physical examinations and screening tests required by this policy shall be at the expense of the district.

Regulation  
approved:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California

**All Personnel**

BP 4112.6

4212.6

**PERSONNEL FILES**

4312.6

The Superintendent shall provide for the maintenance of the official personnel file for all district employees with the exception of payroll records. The payroll records shall be the responsibility of the director of fiscal services. The official personnel files shall serve as an organizational historical file as they relate to employees of the district.

The contents of all personnel files and the inspection of those files shall be in accordance with applicable Federal, State, and contract limitations.

The Superintendent shall publish appropriate administrative procedures to implement this policy.

**Release of Personnel Information**

The release of employee personnel data to non-school persons, groups and agencies shall be prohibited except as required by law or Board policy.

At the discretion of the administration, names and addresses of staff members may be released to established educational institutions and to newspapers for legitimate news purposes.

*Legal Reference:*

EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

3305-3306.5 District police officers; personnel files

6250-6270 California Public Records Act, especially:

6254 Exemption for personnel records if invasion of personal privacy

6254.3 Disclosure of home address and phone number

LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

COURT DECISIONS

*Marken v. Santa Monica-Malibu Unified School District*, (2012) 202 Cal.App.4th 1250

*Bakersfield City School District v. Superior Ct.* (2004) 118 Cal.App.4th 1041

ATTORNEY GENERAL OPINIONS

*Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)*

**All Personnel**

BP 4113(a)

4213

**ASSIGNMENT OF PERSONNEL**

4313

The number and classification of personnel assigned to the district shall be in compliance with the Board of Education authorization and found in the current organization chart as well as Board-approved prognosis of student enrollment.

The Board shall annually approve the district staffing through the adoption of the annual budget. The Superintendent is responsible for the assignment of all employees. Within each school site, the principal shall be responsible for assignment of personnel, subject to review by the responsible assistant superintendent. No employment of certificated or classified personnel in excess of the Board's approved staffing may be made without the prior approval of the Board.

*Legal Reference: (see next page)*

## ASSIGNMENT OF PERSONNEL

### *Legal Reference:*

#### EDUCATION CODE

- 33126 School accountability report card
- 35035 Additional powers and duties of superintendent
- 35186 Complaint process
- 37616 Assignment of teachers to year-round schools
- 44225.6 Commission report to the legislature re: teachers
- 44250-44277 Credentials and assignments of teachers
- 44314 Subject matter programs, approved subjects
- 44395-44398 Incentives for assigning NBPTS-certified teachers to high-priority schools
- 44824 Assignment of teachers to weekend classes
- 44955 Reduction in number of employees

#### GOVERNMENT CODE

- 3543.2 Scope of representation

#### CODE OF REGULATIONS, TITLE 5

- 6100-6126 Teacher qualifications, No Child Left Behind Act
- 80003-80005 Credential authorizations
- 80020-80020.5 Additional assignment authorizations
- 80335 Performance of unauthorized professional services
- 80339-80339.6 Unauthorized certificated employee assignment

#### UNITED STATES CODE, TITLE 20

- 6311 State plan
- 6319 Highly qualified teachers
- 6601-6651 Teacher and Principal Training and Recruiting Fund
- 7801 Definitions, highly qualified teacher

#### CODE OF FEDERAL REGULATIONS, TITLE 34

- 200.55-200.57 Highly qualified teachers

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Revised State Plan for the No Child Left Behind Act*, rev. September 2008

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

- The Administrator's Assignment Manual*, rev. September 2007

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

#### WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>
- Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
- Santa Clara County Office of Education, Personnel Management Assistance Team:  
<http://www.sccoe.org/depts/pmat>
- U.S. Department of Education: <http://www.ed.gov>

**PROMOTIONS - CERTIFICATED**

Promotion in the district shall be considered when a vacancy occurs on the administrative or support staff, or a new position is created. Such action shall not exclude consideration of out-of-district candidates.

All vacant or new administrative and support staff positions shall be announced through bulletins posted in each school as well as advertisements with appropriate outside agencies such as ACSA.

No permanent appointment to an administrative position shall be made by the Board of Education until the district employees have had a reasonable opportunity to apply for the position. The Board reserves the right to directly appoint an employee to a vacant or new position as long as that position has not been advertised.

All bulletins shall indicate the nature of the position, salary schedule, number of days per year of employment, and necessary procedures for applying with clearly identified deadlines.

**EVALUATION OF PROBATIONARY CERTIFICATED PERSONNEL**

Upon identification of need in a probationary teacher, the administrator will attempt to meet the need by:

1. Providing assistance him/herself,
2. Providing assistance through Beginning Teacher Support and Assessment (BTSA), or Peer Assistance and Review (PAR),
3. Providing assistance through other district personnel,
4. Providing assistance through Los Angeles County Office of Education,
5. Providing assistance through workshops and/or conferences presented within the district or approved programs presented outside the district.

*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)*

**SEPARATION FROM SERVICE - CERTIFICATED EMPLOYEES**

Resignations of certificated personnel shall be written and addressed to the Superintendent for action by the Board of Education. The district shall determine the effective date of termination as prescribed by Education Code. Such letters should state the reason for the resignation and give the desired effective date.

A certificated employee should, prior to or concurrent with his/her letter, advise his/her immediate administrator of his/her intent to resign.

Release from a certificated contract during the school year shall normally be granted when a qualified replacement is employed. Each request of termination during the school year will be handled on a case by case basis.

*Legal Reference:*

EDUCATION CODE

35161 Board delegation of any powers or duties

44242.5 Reports of change in employment status, alleged misconduct

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

**All Personnel**

BP 4119.11

4219.11

**SEXUAL HARASSMENT**

4319.11

The Board of Education prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

*Management Resources:*

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

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

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

Policy  
adopted:

**BELFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California



**EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

The Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace.

The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

All employees will be inserviced regarding the potential dangers from bloodborne pathogens and precautionary procedures. Those employees having occupational exposure, as defined by the district, shall be provided additional inservice training.

Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee inservice and hepatitis B vaccination program.

*Legal Reference:*

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

*Management Resources:*

CDE ADVISORIES

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

WEB SITES

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

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

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

**SUBSTITUTE TEACHERS**

A substitute is expected to report for duty 30 minutes before the start of the assigned session or as quickly as possible after called. The substitute shall report to the principal's office or his/her designee for school related procedures before going to the classroom.

The substitute teacher shall assume all duties of the regular teacher except adjunct duties assigned beyond the end of the normal school day. In addition, substitute teachers are expected to be familiar with procedures relating to attendance, discipline, and other schoolwide rules and policies. A copy of said policies and procedures will be provided by each school upon the first substitute assignment at that location. Thereafter, the substitute is expected to retain the copy provided on the first assignment for reference.

A substitute teacher shall follow essentially the regular schedule of a class using both his/her lesson plans and those of the teacher for which he/she is substituting. The content of the material covered shall approximate that which is prescribed by the lesson plans of the regular classroom teacher. Teaching techniques shall follow, as much as possible, the guidelines provided to each substitute teacher at the time of employment. If no lesson plans are available, the substitute teacher shall consult with the designated site administrator and receive directions regarding the content of the lessons for that class.

*Legal Reference: (see next page)*

**SUBSTITUTE TEACHERS** (continued)*Legal Reference:*EDUCATION CODE

22455.5 Provision of retirement plan information to potential members  
 22515 Irrevocable election to join retirement plan  
 37200 School calendar  
 44252.5 State basic skills assessment required for certificated personnel  
 44300 Emergency teaching or specialist permits  
 44830 Employment of certificated persons; requirements of proficiency in basic skills  
 44839.5 Employment of retirant  
 44845 Date of employment  
 44846 Criteria for reemployment preferences  
 44909 Employees providing services through categorically funded programs  
 44914 Substitute and probationary employment computation for classification as permanent employee  
 44915 Classification of probationary employees  
 44916 Time of classification; statement of employment status  
 44917 Classification of substitute employees  
 44918 Substitute or temporary employee deemed probationary employee; reemployment rights  
 44919 Classification of temporary employees  
 44920 Employment of certain temporary employees; classifications  
 44921 Employment of temporary employees; reemployment rights (unified and high school districts)  
 44953 Dismissal of substitute employees  
 44954 Release of temporary employees  
 44955 Layoff of permanent and probationary employees  
 44956 Rights of laid-off permanent employees to substitute positions  
 44957 Rights of laid-off probationary employees to substitute positions  
 44977 Salary schedule for substitute employees  
 45030 Substitutes  
 45041 Computation of salary  
 45042 Alternative method of computation for less than one school year  
 45043 Compensation for employment beginning in the second semester  
 56060-56063 Substitute teachers in special education

GOVERNMENT CODE

3540.1 Educational Employment Relations Act, definitions

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired person  
 5503 Physical examination for employment of retired persons  
 5590 Temporary athletic team coach  
 80025-80025.5 Emergency substitute teaching permits

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170  
Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446  
Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187  
California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135  
Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277  
Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

*Management Resources: (see next page)*

**SUBSTITUTE TEACHERS** (continued)

*Management Resources:*

WEB SITES

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

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

**STUDENT TEACHERS**

Each student teacher shall be assigned a training position appropriate to his/her educational needs. The student teacher's educational needs, rather than the staff needs of the district, shall be the primary consideration in making all assignments.

Each student teacher shall work under a teacher who has at least three years' experience in the subject or grade level being taught by the student teacher.

The Superintendent or designee shall have liaison responsibilities for student teachers and, working with the principal, shall assign student teachers to the schools.

District teachers shall not be required to accept a student teacher against their will.

**PERSONNEL IMPROVEMENT**

**Staff Development Program Related to School Improvement Plans**

The Superintendent shall make provision for staff development activities which reflect the goals of the district and guidelines specified in the Education Code for the improvement of elementary and secondary education.

Schools may request, as part of their School Improvement Plan, the provision of time during the regular school year to advise students or conduct staff development programs, provided that such time does not exceed eight days each year for each participating staff member.

The Board of Education may approve schools' request for the provision of time during the regular school year to advise students or conduct staff development programs, provided that such time does not exceed eight days each year for each participating staff member and that one or more of the following criteria are met as specified by the Superintendent.

Criterion 1: The extent to which the certificated personnel participated in the development of the staff development program and are supportive of it.

Criterion 2: The extent to which the staff development program will achieve the following objectives:

- (a) Improving instructional, human development, and counseling skills based on a systematic assessment of student and personnel needs at that school
- (b) Ensuring that curricula and instructional materials are keyed to the educational needs of each student, with particular emphasis on students who have not achieved proficiency in basic reading, writing, and computational skills, limited and non-English speaking students, disadvantaged students, and students with exceptional abilities or needs
- (c) Developing curricula and instructional materials in a wide variety of areas such as arts and humanities, physical, natural, and social sciences, physical and mental health, and career education
- (d) Improving the school and classroom environments, including relationships between and among students, school personnel, and community members, including parents/guardians

Criterion 3: How the school staff development components of all permissive and mandatory programs will be integrated and coordinated.

**PERSONNEL IMPROVEMENT** (continued)

Criterion 4: How the school will provide for diversity in staff development activities, including but not limited to small groups, self-directed learning, and systematic observation during visits to other classrooms or schools.

Criterion 5: How participating school personnel, with the aid of outside personnel as necessary, will evaluate and modify the staff development program on a continuing basis.

Criterion 6: How the school principal and other administrative personnel will be involved as active participants in one or more activities implemented in the staff development program.

**BEGINNING TEACHER SUPPORT/INDUCTION**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the professional clear multiple-or single-subject teaching credential pursuant to Education Code 44259.

**District-Sponsored BTSA Induction Program**

When approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction, the district may serve as a sponsor of an induction program. The program shall meet state standards for induction programs and shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

*Legal Reference: (see next page)*



**BEGINNING TEACHER SUPPORT/INDUCTION (continued)**

*Legal Reference:*

EDUCATION CODE

41520-41522 *Teacher Credentialing Block Grant*

41530-41532 *Professional Development Block Grant*

44259 *Credential requirements*

44259.5 *Standards for professional preparation programs*

44275.4 *Credential requirements, induction, out-of-state teachers*

44279.1-44279.7 *Beginning Teacher Support and Assessment Program (BTSA)*

44325-44328 *District interns*

44380-44386 *Alternative certification*

44450-44468 *University interns*

44560-44562 *Certificated Staff Mentoring Program*

CODE OF REGULATIONS, TITLE 5

6100-6126 *Teacher qualifications, No Child Left Behind Act*

80055 *Internship credential*

80413 *Credential requirements*

80413.3 *Credential requirements; teachers with out-of-state credentials*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*

6601-6702 *Preparing, training and recruiting high quality teachers and principals*

7801 *Definitions, highly qualified teacher*

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING/CALIFORNIA DEPARTMENT OF EDUCATION  
POLICY

*Funding Policy for Teacher Development Programs, December 2006*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Induction Manual: A Credential Application Processing Guidebook for Commission-Approved  
Induction Programs, June 2004*

*Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program,  
April 2002*

*Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002*

*California Standards for the Teaching Profession, 1997*

WEB SITES

*Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>*

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

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

**All Personnel**

BP 4151

4251

**COMPENSATION AND BENEFITS**

4351

**Salary Schedules**

Salary schedules adopted by the Board of Education shall determine the compensation for all district personnel.

The Board, in accordance with the provisions of the Education Code, shall consider salary recommendations of the Personnel Commission before adopting a classified salary schedule.

Compensation for non-classroom assignments shall be established through the negotiation process and paid at a rate published as an addendum to the primary salary schedule for both certificated and classified employees.

**Paydays**

Regular salaried certificated employees shall be paid on the first working day of each calendar month. Certificated hourly employees shall be paid on the 10th of each month unless the 10th is a weekend or holiday. In such cases, payment shall be made on the workday after the 10th.

Regular classified salaried employees shall be paid on the 10th and 25th of each month except if they fall on a weekend or holiday. In such cases, payment shall be made on the workday prior to the 10th or 25th. Compensation for overtime shall be added to each paycheck of the 10th. Classified hourly shall be paid on the 10th of each month or the workday prior to the 10th if the 10th falls on a weekend or holiday.

Certificated employees in the K-12 program shall receive 10 equal paychecks beginning with October 1 of each school year. Certificated salaried employees with 11 or 12 month assignments shall be paid on the first working day of the month beginning on August 1st of each fiscal year.

**Administrative and Supervisory Personnel**

BP 4154

4254

**EARLY RETIREMENT MEDICAL BENEFITS**

4354

It is the policy of the Board of Education to assist early retirees under the State Teachers Retirement System and Public Employee Retirement System with a group policy providing the same medical (not dental or vision) insurance coverage, during each fiscal year of early retirement, as the coverage provided employees of the district during the same fiscal year.

Each employee who is receiving medical insurance coverage by the district at the time of early retirement and who has:

1. Certificated - completed ten or more years of active service in this district, five of which must have immediately preceded early retirement,
2. Classified - completed ten or more years of active service in this district, shall be continued from age 55 through 64 at the expense of the district in an amount not to exceed that which is provided for active employees under the identical medical plan.

This policy shall not apply to any member who leaves active service prior to age 55.

This policy shall cease to apply at age 65, or upon the retiree's death, whichever is earlier.

The participating employee may provide medical coverage for his/her spouse and/or dependents by the payment of premiums in a manner reasonably required by the district.

In the event of the retiree's death, the surviving spouse and/or dependents may continue existing medical insurance coverage for the period commensurate with the eligibility period remaining to, the retiree prior to death, subject to carrier rules and providing that the spouse and/or dependent assumes the costs of premiums for said coverage.

This policy applies only to those employees whose first day of retirement occurs after July 1, 1976.

**All Personnel**

BP 4157

4257

**EMPLOYEE SAFETY**

4357

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Board of Education expects all employees to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, he/she shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

*Legal Reference:*

EDUCATION CODE

32030-32034 Eye safety

32225-32226 Communications devices in classrooms

32280-32289 School safety plans

44984 Required rules for industrial accident and illness leave of absence

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

3300 Definitions

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6400-6413.5 Responsibilities and duties of employers and employees, especially:

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

3400 Medical services and first aid

5095-5100 Control of noise exposure

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.95 Noise standards

*Management Resources:*

DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005

WEB SITES

California Department of Industrial Relations, Occupational Safety and Health:

[http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

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

National Hearing Conservation Association: <http://www.hearingconservation.org>

National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh>

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

Policy  
adopted:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California

**All Personnel**

BP 4159

4259

**EMPLOYEE ASSISTANCE SERVICE FOR EDUCATION (EASE)**

4359

The Board of Education recognizes that some employees experience problems which impact adversely on job performance and thus the educational product. These problems may be behavioral or medical in nature and involve physical, mental, or emotional illness; alcohol abuse or alcoholism; drug abuse or dependency; marital, family, financial, or legal problems.

Mental and emotional problems are recognized as inherent to human existence and frequently disabling as well as potentially destructive but treatable illnesses.

Alcoholism and other chemical dependencies are recognized as being progressive and potentially disabling but treatable illnesses.

The Board realizes that ordinarily employees overcome such personal problems independently, and the effect on job performance will be negligible. At times routine supervisory assistance may aid in the resolution of such problems and the employee's declining job performance will return to an appropriate and acceptable level.

Assistance for employees to resolve these problems shall be made available through the Employee Assistance Service for Education (EASE). The greatest potential for EASE shall be realized through establishing the following responsibilities:

1. Each management and supervisory employee shall be knowledgeable about and actively support EASE.
2. Each management and supervisory employee shall be provided training in the early recognition and intervention of troubled employees.
3. Each employee who has a physical, mental, and/or emotional problem which is affecting or may affect job performance shall be counseled to seek early intervention, assistance, and appropriate treatment, or accept such assistance if offered.
4. Each employee who is clinically dependent or who abuses alcohol or other drugs shall be counseled to seek early intervention assistance and treatment, or accept such assistance if offered.
5. Appropriate and available leaves may be utilized for treatment and rehabilitation of the employee.
6. Employees with problems which may affect their job performance shall have assistance from EASE.
7. Employees utilizing the services of EASE shall not jeopardize their job, tenure, future, or reputation.

BP 4159  
4259  
4359

**EMPLOYEE ASSISTANCE SERVICE FOR EDUCATION (EASE)**

8. Employees shall be assured that any utilization of the services of EASE shall be strictly confidential.

*Legal References:*

HEALTH AND WELFARE CODE  
*1025-8 Alcohol Rehabilitation*

**All Personnel**

BP 4161

**ABSENCE FROM DUTY**

4261

4361

**Affidavits**

Each employee of the district shall file an affidavit to verify each absence from duty for whatever reason.

Affidavits shall be forwarded to the Payroll Office through appropriate administrators and/or supervisors.

**Certificated**

BP 4162  
4362

## **VACATION/HOLIDAYS**

### **Certificated Management**

Certificated Management shall receive, in addition to holidays, two paid vacation days for each month worked.

The maximum unused paid vacation days allowable to be compensated for at the time of termination shall be 48 days. Multi-year contract employees shall abide by the conditions of their contracts which may modify this provision.

Employees are encouraged to take earned vacation days during the year in which they are accrued. Under normal circumstances, vacation days shall be approved in advance by the employee's immediate supervisor.

### **Children's Center Teachers**

Children's Center teachers on contract shall receive three weeks of paid vacation for each 12 months of service or a proportionate amount for less service. After 10 years of continuous service, teachers shall receive four weeks of vacation for each 12 months of service.

### **Holidays**

Holidays for district personnel shall be those prescribed by the Education Code and Board Policy.

#### *Legal References:*

EDUCATION CODE

45197-45203

45202

45206.5

Policy  
adopted:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California



**RELATIONSHIP TO THE PERSONNEL COMMISSION**

**Membership of the Personnel Commission**

1. The Personnel Commission shall be comprised of three members with one each, to be appointed by the Board of Education and the majority employee organization recognized by the Board. Those two shall appoint the third member. Provisions of the Education Code shall prevail if impasse occurs in the appointment of third member. Following the selection, the name will be placed on the Board agenda as an informational item. The Board, by majority vote and with the agreement of the Personnel Commission, may elect to increase the number of Personnel Commissioners from three to five. Upon agreement for a five member Commission, two members shall be appointed by the Board and two members shall be nominated by the classified employees and appointed to the Personnel Commission by the Board. Those four members shall, in turn, appoint the fifth member of the Personnel Commission.
2. When the Board appointee(s) is/are completing a term, the Board shall announce, publicly and not later than September 30, the name(s) of the person(s) it intends to appoint or reappoint. At the Board meeting to be held, at least 30 days and within 45 days of this announcement, the Board, in a public hearing, shall provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the Board. At that time, the Board may make its appointment or a substitute appointment without further notification or public hearing.
3. When the classified employees' appointee(s) is/are completing a term, the classified employees shall submit the name(s) of the person(s) it intends to appoint or reappoint to the Board and to the Commission 30 days prior to the date in which the vacancy(ies) will occur. At a Board meeting to be held at least 30 days and within 45 days following this submission, the Board shall appoint that/those nominee(s) unless the classified employees voluntarily withdraw the name(s) and submit a new nominee who shall then be appointed following a public hearing at the next regular meeting of the Board.
4. When the third (or fifth) member is completing a term, the two (or four) seated Personnel Commissioners shall announce publicly and not later than September 30 the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held at least 30 days and within 45 days following this announcement, the two (or four) seated Commissioners in a public hearing shall provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the two (or four) seated Commissioners. At that time, the two (or four) seated Commissioners may make their appointment or a substitute appointment without further notification or public hearing and shall inform the Board of the appointment.

**RELATIONSHIP TO THE PERSONNEL COMMISSION** (continued)

5. The Board shall announce any appointment at a regular meeting. The Board shall hold public hearings on the appointments of its candidates and that of the Personnel Commission in sufficient time to take its final action by its first meeting in November or not later than November 10 in any year.

**Authority of the Personnel Commission**

1. The Personnel Commission shall be governed by and derive its authority from the provisions of the Education Code.
2. The Personnel Commission may exercise additional authority as delegated by the Board when acceptance of such authority is agreeable to the Commission.

**Responsibilities of the Personnel Commission**

1. The Personnel Commission shall be responsible for the general implementation of the district's merit system (civil service) for classified employees.
2. The Personnel Commission shall be responsible for the preparation and amendment of rules and regulations of the classified service, classification of persons and positions, internal alignment of salary, recommendation of salary schedules, certification of eligible employees and payroll, and hearing of appeals.

**Responsibilities of the Board**

The Board shall prescribe the salary schedule for classified personnel and perform other functions related to the classified service in accordance with the provisions of the Education Code. However, no salary rate shall be established for a classified position which disturbs the internal relationships established by the Personnel Commission.

**Compensation of Personnel Commission Members for Personnel Commission Meetings**

1. It shall be the policy of the Board to compensate each member of the Personnel Commission for attendance at any legally called Personnel Commission meeting in accordance with provisions of the Education Code.
2. Each member shall receive compensation in the amount \$15.00 per meeting, not to exceed \$15.00 per day, and not to exceed \$30.00 per month. A member shall be paid for any meeting when absent, if at the time of the meeting that member is performing services for the district which were approved by official action of the Personnel Commission, and if the Commission finds at the time of absence that the absentee is performing services for the district.

**RELATIONSHIP TO THE PERSONNEL COMMISSION** (continued)

3. In the event a member of the Personnel Commission does not wish to receive compensation for Commission meetings, the member shall annually sign a waiver of payment.

**CONDITIONS OF EMPLOYMENT/CONVICTION RECORDS**

It shall be the policy of the Board of Education that, as a part of the classified personnel selection procedure, candidates shall be screened for criminal conviction records. The Classified Personnel Director shall recommend an administrative procedure for Board consideration and acceptance which defines and establishes prior criminal conviction records which would bar employment by the district. These standards shall be reviewed annually for compliance with laws and legal determinations. Candidates refused employment shall be notified in writing of the reason(s). Provisions shall be made for an appeal process for candidates who are refused employment.

The purpose of these employment standards is to give full consideration for employment to each applicant while at the same time recognizing the responsibility of the Board to provide for the protection of children, employees, and the public and to protect school property.

*Legal Reference: (see next page)*

**CONDITIONS OF EMPLOYMENT/CONVICTION RECORDS (continued)**

*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*

**SEPARATION FROM SERVICE**

**Classified**

1. Resignations of classified personnel shall be written, provide the desired effective date and addressed to the Superintendent for action of the Board of Education. Two weeks' notice is expected.
2. A classified employee should, prior to or concurrent with his/her letter of resignation, advise his immediate supervisor of his intent to resign.
3. Other aspects of classified resignations shall be governed by the "Rules and Regulations of the Classified Service."

**VACATION/HOLIDAYS**

**Vacations - Classified Management/Confidential**

Classified Management/Confidential shall receive, in addition to holidays, two paid vacation days for each month worked.

**Vacation Accrual**

1. The maximum unused paid vacation days allowable to be compensated for at the time of termination shall be 48 days. Multi-year contracted employees shall abide by the conditions of their contracts which may modify this provision.
2. Employees are encouraged to take earned vacation during the year in which they are accrued. Under normal circumstances, vacation days shall be approved, in advance, by the employee's immediate supervisor.

**Vacations - Non-Management (Unit)**

1. Full-time classified employees with a 12-month work assignment shall receive annual paid vacations as follows after the probationary period, zero to one year of service: one day per month; one to four years: 13 days; five to nine years: 15 days; 10 to 14 years: 17 days; 15 plus years: 20 days.
2. Vacation time for 10-month employees and those regular employees working less than a 40-hour week will accrue in direct proportion to the actual time worked.
3. Classified employees shall work a minimum of six months before receiving vacation benefits.
4. Pursuant to the provisions of the agreement with California School Employees Association, Chapter 32, vacation earned in any one fiscal year shall be taken by December 31 of the following fiscal year or be forfeited. Exceptions must be approved by the Superintendent or designee in the division to which the employee is assigned. Only one exception may be made in any fiscal year.

**Holidays**

Holidays for district personnel shall be those prescribed by the Education Code, Board Policy, and the contractual agreement between the Board and the California School Employees Association.

**VACATION/HOLIDAYS** (continued)

*Legal References:*

EDUCATION CODE

45197-45203

45205

45206.5



**SPECIAL PRINCIPALS**

**Summer School Principals**

1. The principal(s) for elementary summer schools shall be selected through a competitive application process and approved by the Board of Education. Secondary summer school shall be administered through Education Options as a regular part of that program.
2. Summer school principals shall be responsible to the appropriate assistant Superintendent.

**Principal of Educational Options**

1. The Principal of Educational Options, under the supervision of the Assistant Superintendent of Educational Services, shall organize and administer a program of continuation education, adult education, and a system of educational program alternatives. Duties shall include enrolling eligible students, selecting faculty, implementing district curriculum, arranging facilities, supervising instructional activities, and performing other functions related to an effective educational program.
2. The Principal of Educational Options shall organize and supervise the adult education program and develop and implement a program of education that is designed to meet the adult education needs of the community.
3. The Principal of Educational Options shall determine the curriculum, recruit the faculty, arrange the housing and administer all other phases of the program.
4. The Principal of Educational Options may, with Board approval, provide classes for minors in accordance with the provisions of the Education Code.

**High School Assistant Principal**

A high school assistant principal is an administrator responsible to the principal for his/her assignment and performance.

**Counselors**

1. The counselor shall have the responsibility to motivate students in making positive and effective educational and career plans.
2. He/she shall work with students, parents/guardians, and teachers to help them recognize and resolve problems that interfere with learning. He/she shall aid other school personnel to increase their understanding of students.

## **SPECIAL PRINCIPALS**

3. Counselors are responsible to the principal or designee.

*Legal Reference:*

EDUCATION CODE

35031 *Term of employment*

45100.5 *Senior management positions*

45104.5 *Abolishment of senior classified management positions*

45108.5 *Definitions of senior classified management employees*

45108.7 *Waiver of provisions of 45108.5*

45128 *Overtime*

45130 *Exclusion from overtime provisions*

45256.5 *Designation of certain positions*

GOVERNMENT CODE

3540 *Purpose*

3540.1 *Definitions*

3543.4 *Management position; representation*

3545 *Appropriateness of unit; basis*

COURT DECISIONS

*Auer v. Robbins*, (1997) 117 S.Ct. 905

**ADMINISTRATIVE RE-EMPLOYMENT FOR CERTIFICATED PERSONNEL**

**General**

The Board of Education shall employ, promote, transfer, reassign, and terminate certificated administrators in accordance with the provisions of the Education Code. Employment conditions for the Superintendent shall be contained in the Superintendent's employment contract.

**Criteria for Recommendation**

In formulating the recommendation for continued employment, reassignment, transfer, or termination, the Superintendent shall consider, in addition to any other criteria which may be required in sections below, any of the following criteria:

1. The administrator's performance assessment and appraisal
2. The needs of the position(s) involved
3. The administrator's contribution to the total administrative team
4. The potential of the administrator for growth
5. Other criteria mandated by the Superintendent, the Board, and law

**Continued Employment in the Same or Equivalent Rank**

The Superintendent's decision to continue the employment of a certificated administrator in the same or equivalent rank for the next succeeding fiscal year shall be in accordance with Education Code 44951.

**Promotion**

Promotions shall be in accordance with BP 4113.2 and BP/AR 4111. Assignments which are identified as promotions without the concurrence of the administrator shall not be made except on a temporary basis pending completion of the recruitment and selection process or to meet emergency circumstances.

**Transfer**

A transfer is a change from the administrator's assigned position to a position of the same or similar rank at another school or work site within the district. "Similar rank" means an administrative position at the same or greater monthly salary rate and for the same or similar number of work days per year. Transfers may be either voluntary or involuntary. Administrators requesting a transfer shall submit a letter to the administrator's evaluator for consideration. The Superintendent shall make all final decisions regarding voluntary transfer requests. An involuntary transfer of an administrator shall be the decision of the Superintendent in accordance with any of the criteria in Criteria for Recommendation above

**ADMINISTRATIVE RE-EMPLOYMENT FOR CERTIFICATED PERSONNEL**

(continued)

**Reassignment**

Reassignment of an administrator from an administrative status to a *Non-Administrative Management Position* or from an administrative position to an administrative position with a lower monthly rate shall be initiated by the Superintendent in accordance with provisions of the Education Code 44951.

Notwithstanding the foregoing, the Superintendent may temporarily reassign an administrator at any time. However, the salary during the fiscal year in which the temporary reassignment occurs, shall not be less than the salary specified in the contract for that fiscal year.

**Termination**

The Superintendent may, with proper written notification and public Board action, terminate an administrator under the provisions of the Education Code 44951. Written notification shall be provided to the administrator by certified U. S. mail to the last known legal address on or before March 15 of the current school year. The Board shall approve a Board action of non-re-election on or prior to March 15th of the current school year.

*Legal Reference:*

EDUCATION CODE

44660-44665 *Evaluation and assessment of performance of certificated employees*

44850.1 *No tenure in administrative or supervisory position*

44896 *Transfer of administrator or supervisor to teaching position*

44951 *Continuation in position unless notified (position requiring administrative or supervisory credential)*

45101 *Definitions (including disciplinary action, cause)*

**CONCEPTS AND ROLES**

The Board of Education shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board shall not tolerate the intimidation or harassment of any student for any reason.

The Superintendent or designee shall establish and keep parents/guardians and students well informed about school and district rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*35291-35291.5 Rules*

**PARENT RIGHTS AND RESPONSIBILITIES**

The Board of Education recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

*Legal Reference: (see next page)*

**PARENT RIGHTS AND RESPONSIBILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

*Management Resources:*

WEB SITES

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

CDE: <http://www.cde.ca.gov>

**NONCUSTODIAL PARENTS**

The Board of Education recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

The parent/guardian who enrolls a child in a district school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

In the event of an attempted violation of a court order that restricts access to a student, the principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

*Legal Reference:*

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

*Management Resources:*

WEB SITES

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

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

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



**STUDENT AND FAMILY PRIVACY RIGHTS**

The Board of Education respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the district may collect the personal information of students for marketing or sale
2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
4. Whether the district may administer any nonemergency invasive physical examination or screening
5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)

*Legal Reference: (see next page)*

**STUDENT AND FAMILY PRIVACY RIGHTS (continued)**

*Legal Reference:*

EDUCATION CODE

49450-49458 *Physical examinations*

49602 *Confidentiality of personal information received during counseling*

51101 *Parents Rights Act of 2002*

51513 *Test, questionnaire, survey, or examination concerning personal beliefs*

51938 *Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1232h *Protection of pupil rights*

*Management Resources:*

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco>

**STUDENT WELLNESS**

The Board of Education acknowledges the link between health and learning and supports providing a comprehensive program to promote healthy eating and physical activity for students, to wit:

1. Goals for nutrition education, physical activity, and other school-based activities are designed to promote student wellness.
2. Nutrition guidelines are in place for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity.
3. The district guidelines for reimbursable school meals will not be less restrictive than federal regulations and guidance issued pursuant to 42 USC 1758(f) and 1766(a)(b), as they apply to schools.
4. Administrative procedures shall include a plan for measuring implementation of the policy.

*Legal Reference: (see next page)*

## STUDENT WELLNESS (continued)

### *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, including:*  
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*  
220.1-220.21 *National School Breakfast Program*

#### COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

### *Management Resources:*

#### CSBA PUBLICATIONS

*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  
*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide*, 2007  
*Nutrition Standards for Schools: Implications for Student Wellness*, Policy Brief, rev. October 2007  
*Physical Education and California Schools*, Policy Brief, rev. October 2007  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. April 2006  
*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards*, Policy Brief, March 2006

*Management Resources continued: (see next page)*

**STUDENT WELLNESS (continued)**

*Management Resources: (continued)*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

Healthy Children Ready to Learn: A White Paper on Health, Nutrition, and Physical Education, January 2005

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

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>

National School Boards Association: <http://www.nsba.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>

**ADMISSION**

The Board of Education encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Board policies and administrative regulations.

All resident students who are enrolling either in the school in their attendance area or in another district school shall be subject to the timelines established by the Board in Board Policy or Administrative Regulation 5116.1 - Intradistrict Open Enrollment. Nonresident students may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

*Legal Reference: (see next page)*

**ADMISSION** (continued)

*Legal Reference:*

EDUCATION CODE

46300 *Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten*

46600 *Agreements for admission of students desiring interdistrict attendance*

48000 *Minimum age of admission (kindergarten)*

48002 *Evidence of minimum age required to enter kindergarten or first grade*

48010 *Minimum age of admission (first grade)*

48011 *Admission from kindergarten or other school; minimum age*

48050-48053 *Nonresidents*

48200 *Children between ages of 6 and 18 years (compulsory full-time education)*

48350-48361 *Open Enrollment Act*

48850-48859 *Educational placement of foster youth*

49076 *Access to records by persons without written consent or under judicial order*

49408 *Information of use in emergencies*

49700-49704 *Education of children of military families*

HEALTH AND SAFETY CODE

120325-120380 *Education and child care facility immunization requirements*

121475-121520 *Tuberculosis tests for students*

CODE OF REGULATIONS, TITLE 5

200 *Promotion from kindergarten to first grade*

201 *Admission to high school*

CODE OF REGULATIONS, TITLE 17

6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 42

11431-11435 *McKinney Homeless Assistance Act*

*Management Resources:*

CSBA PUBLICATIONS

*Transitional Kindergarten, Issue Brief, July 2011*

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

*Dear Colleague Letter, May 6, 2011*

WEB SITES

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

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

Office for Civil Rights, U.S. Department of Education: <http://www2.ed.gov/about/offices/list/ocr>

**EXEMPTIONS FROM ATTENDANCE**

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

As needed, the Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

*Legal Reference:*

EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 342

*Management Resources:*

WEB SITES

California Department of Education, Attendance Improvement: <http://www.cde.ca.gov/ls/ai/>



**STUDENT LEAVE OF ABSENCE**

The Board of Education 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)

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.

*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*

**CLOSED CAMPUS**

In order to keep students in a supervised, safe and orderly environment, the Board of Education 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.

*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*

**ABSENCES AND EXCUSES**

The Board of Education believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

**Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulations. (Education Code 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each school year, the Superintendent or designee shall send a notification to the parents/guardians of all students, and to all students in grades 7-12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

**Effect of Absence on Grades/Credits**

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

*Legal Reference: (see next page)*

**ABSENCES AND EXCUSES (continued)**

*Legal Reference:*

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*  
2550-2558.6 *Computation of revenue limits*  
37201 *School month*  
37223 *Weekend classes*  
41601 *Reports of average daily attendance*  
42238-42250.1 *Apportionments*  
46000 *Records (attendance)*  
46010-46014 *Absences*  
46100-46119 *Attendance in kindergarten and elementary schools*  
46140-46147 *Attendance in junior high and high schools*  
48200-48208 *Children ages 6-18 (compulsory full-time attendance)*  
48210-48216 *Exclusions from attendance*  
48240-48246 *Supervisors of attendance*  
48260-48273 *Truants*  
48292 *Filing complaint against parent*  
48320-48324 *School attendance review boards*  
48340-48341 *Improvement of student attendance*  
49067 *Unexcused absences as cause of failing grade*  
49701 *Provisions of the interstate compact on educational opportunities for military children*

ELECTIONS CODE

12302 *Student participation on precinct boards*

FAMILY CODE

6920-6929 *Consent by minor*

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

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

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen. 168 (2004)*

66 *Ops.Cal.Atty.Gen. 244 (1983)*

COURT DECISIONS

*American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307*

*Management Resources:*

CSBA PUBLICATIONS

*Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010*

WEB SITES

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

**CHRONIC ABSENCE AND TRUANCY**

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

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students classified as chronic absentees and truants, as defined in law and administrative regulation.

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

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

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

**School Attendance Review Board**

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

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

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

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

**CHRONIC ABSENCE AND TRUANCY (continued)**

*Legal Reference:*

EDUCATION CODE

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

37223 *Weekend classes*

41601 *Reports of average daily attendance*

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

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

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

48225.5 *Work permits, entertainment and allied industries*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

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

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

48900 *Suspension and expulsion*

49067 *Unexcused absences as cause of failing grade*

60901 *Chronic absence*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

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

830.1 *Peace officers*

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

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

COURT DECISIONS

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

*Management Resources: (see next page)*

**CHRONIC ABSENCE AND TRUANCY (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Attendance Review Board Handbook, 2012*

*School Attendance Improvement Handbook, 2000*

WEB SITES

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

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

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

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

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

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

OnTrackCA: <http://www.ontrackca.org>

**WORK PERMITS**

The Board of Education recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes.

*Legal Reference: (see next page)*



**WORK PERMITS (continued)**

*Legal Reference:*

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

51760-51769.5 Work experience education

52300-52499.66 Career technical education

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

CODE OF REGULATIONS, TITLE 5

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707 Prohibited and dangerous occupations for minors

11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000

WEB SITES

California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>

California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>

California Department of Industrial Relations: <http://www.dir.ca.gov>

**INTRADISTRICT OPEN ENROLLMENT**

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

**Enrollment Priorities**

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)
2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)
3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)
4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
5. Any sibling of a student already in attendance in that school.
6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

**Application and Selection Process**

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted within the window of time established by the district during the school year preceding the school year for which the transfer is requested.

**INTRADISTRICT OPEN ENROLLMENT** (continued)

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

**Transportation**

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

*Legal Reference: (see next page)*

**INTRADISTRICT OPEN ENROLLMENT (continued)**

*Legal Reference:*

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education, Unsafe School Choice Option:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

**INTERDISTRICT ATTENDANCE**

The Board of Education recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

*Legal Reference: (see next page)*

**INTERDISTRICT ATTENDANCE** (continued)

*Legal Reference:*

EDUCATION CODE

- 41020 Annual district audits
- 46600-46611 Interdistrict attendance agreements
- 48204 Residency requirements for school attendance
- 48300-48316 Student attendance alternatives, school district of choice program
- 48350-48361 Open Enrollment Act
- 48900 Grounds for suspension or expulsion; definition of bullying
- 48915 Expulsion; particular circumstances
- 48915.1 Expelled individuals: enrollment in another district
- 48918 Rules governing expulsion procedures
- 48980 Notice at beginning of term
- 52317 Regional occupational center/program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

- 87 *Ops. Cal. Atty. Gen.* 132 (2004)
- 84 *Ops. Cal. Atty. Gen.* 198 (2001)

COURT DECISIONS

- Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234
- Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

*Management Resources:*

CSBA PUBLICATIONS

- Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>

**STUDENTS' GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

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

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course standards. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, standardized and teacher made tests, projects, presentations, portfolios, and homework.

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

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

*Legal Reference: (see next page)*

**STUDENTS' GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

*Legal Reference:*

EDUCATION CODE

41505-41508 *Pupil Retention Block Grant*

48070 *Promotion and retention*

48205 *Excused absences*

48800-48802 *Enrollment of gifted students in community college*

48904-48904.3 *Withholding grades, diplomas, or transcripts*

49066 *Grades; finalization; physical education class*

49067 *Mandated regulations regarding student's achievement*

49069.5 *Students in foster care, grades and credits*

51242 *Exemption from physical education based on participation in interscholastic athletics*

76000-76002 *Enrollment in community college*

CODE OF REGULATIONS, TITLE 5

10060 *Criteria for reporting physical education achievement, high schools*

30008 *Definition of high school grade point average for student aid eligibility*

UNITED STATES CODE, TITLE 20

1232g *Family Education Rights and Privacy Act (FERPA)*

6101-6251 *School-to-Work Opportunities Act of 1994*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

COURT DECISIONS

*Owasso Independent School District v. Falvo*, (2002) 534 U.S. 426

*Las Virgenes Educators Association v. Las Virgenes Unified School District*, (2001) 86 Cal.App.4th 1

*Swany v. San Ramon Valley Unified School District*, (1989) 720 F.Supp. 764

*Johnson v. Santa Monica-Malibu Unified School District Board of Education*, (1986) 179 Cal.App.3d 593

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Aiming High: High Schools for the 21st Century*, 2002

*Taking Center Stage: A Commitment to Standards-Based Education for California's Middle Grades Students*, 2001

*Elementary Makes the Grade!*, 2000

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE

*Report Cards and Transcripts for Students with Disabilities*, October 17, 2008

WEB SITES

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

California Student Aid Commission: <http://www.csac.ca.gov>

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



**PROMOTION/ACCELERATION/RETENTION**

The educational philosophy of the district is to graduate literate, responsible citizens. To accomplish this, instruction and grade level placement should accommodate the varying interest and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

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

Progress toward high school graduation shall be based on the student's ability to pass required subjects and electives necessary to earn the required number of credits. The students must also meet the minimum proficiency requirements set by the Board of Education.

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate a student.

As early as possible in the school year and in students' school careers, the Superintendent or designee shall notify parents of identified students who should be retained and who are at risk of being retained in accordance with law, Board policy, administration regulation and the following criteria: Students shall be identified on the basis of multiple measures, including but not limited to grades and results on the state's standardized test.

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school program, and/or summer school. Prior to making a recommendation for retention the Superintendent or designee shall confer with the student's parents/guardians regarding the placement being considered. A parent/guardian may appeal a decision to retain or promote their student to the Superintendent or his/her designee.

*Legal Reference: (see next page)*

**PROMOTION/ACCELERATION/RETENTION (continued)**

*Legal Reference:*

EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing ADA

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10

CDE PUBLICATIONS

Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment

Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten

LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

WEB SITES

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

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

**STUDENT RECORDS**

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description, and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect, and copy student records and shall protect the student and his/her family from invasion of privacy.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

*Legal Reference: (see next page)*

## STUDENT RECORDS (continued)

### *Legal Reference:*

#### EDUCATION CODE

48201 Student records for transfer students who have been suspended/expelled

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study programs

56050 Surrogate parents

56055 Foster parents

#### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

#### FAMILY CODE

3025 Access to records by noncustodial parents

#### GOVERNMENT CODE

6252-6260 Inspection of public records

#### HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

#### WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

16010 Health and education records of a minor

#### CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

### *Management Resources:*

#### FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy,

December 9, 2008, Vol. 73, No. 237, pages 74806-74855

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008

#### WEB SITES

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

U.S. Department of Education, Family Policy Compliance Office,

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

**RELEASE OF DIRECTORY INFORMATION**

The Board of Education 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.

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)

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)

*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:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Access to High School Students and Information on Students by Military Recruiters, 2002

WEB SITES

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

**AWARDS FOR ACHIEVEMENT**

The Board of Education encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, athletic, extracurricular, or community service activities.

**District/School Awards**

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or cash gift.

The Superintendent or designee shall develop criteria for the selection of student award recipients.

**Golden State Seal Merit Diploma**

At graduation from high school, special recognition shall be awarded to those students whose academic achievements in core curriculum areas have been outstanding.

The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

**Biliteracy Award**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English.

*Legal Reference: (see next page)*

**AWARDS FOR ACHIEVEMENT** (continued)

*Legal Reference:*

EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

35310-35319 Scholarship and loan funds

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

51450-51455 Golden State Seal Merit Diploma

51460-51464 State Seal of Biliteracy

52164.1 Assessment of English language skills of English learners

CODE OF REGULATIONS, TITLE 5

876 Golden State Seal Merit Diploma

1632 Credit for private school foreign language instruction

11510-11516 California English Language Development Test

*Management Resources:*

WEB SITES

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

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

Californians Together: <http://www.californianstogether.org>

**GRADUATION CEREMONIES AND ACTIVITIES**

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. The Board of Education believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

High school students who have passed the California High School Proficiency Examination or the General Educational Development Test must also meet district graduation requirements in order to participate in graduation ceremonies.

The school or district shall not direct invocations, prayers, or benedictions at graduation ceremonies.

**Honors and Awards**

To honor superior academic achievement, graduation ceremonies may include recognition of valedictorian(s) and salutatorian(s). Valedictorian(s) and salutatorian(s) shall be selected based on established criteria and procedures that use multiple measures of academic performance.

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

**Conduct at Graduation Ceremonies**

Any student participating in a graduation ceremony shall comply with district policies and regulations pertaining to student conduct.

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

However, any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at his/her option, wear his/her military dress uniform at the ceremony. (Education Code 35183.3)

**Disciplinary Considerations**

In order to encourage high standards of student conduct and behavior, the principal may deny a student the privilege of participating in graduation ceremonies and/or activities in accordance with school rules. Prior to denial of the privilege, the student, and where practicable his/her parent/guardian, shall be made aware of the grounds for such denial and shall be given an opportunity to respond. If a privilege is to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal the decision.



**GRADUATION CEREMONIES AND ACTIVITIES** (continued)

*Legal Reference:*

EDUCATION CODE

35183.3 *Graduation ceremonies; military dress uniforms*

38119 *Lease of personal property; caps and gowns*

48904 *Liability of parent or guardian; withholding of grades, diplomas, transcripts*

51225.5 *Honorary diplomas; foreign exchange students*

51410-51412 *Diplomas*

COURT DECISIONS

*Cole v. Oroville Union High School District*, (2000, 9th Cir.) 228 F.3d 1092

*Santa Fe Independent School District v. Doe*, (2000) 530 U.S. 290

*Lee v. Weisman*, (1992) 505 U.S. 577

*Sands v. Morongo Unified School District*, (1991) 53 Cal. 3d 863

*Lemon v. Kurtzman*, (1971) 403 U.S. 602

*Management Resources:*

WEB SITES

*California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs/>*

**CONDUCT**

The Board of Education believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

**CONDUCT** (continued)

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests
11. Inappropriate attire
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with Board Policy and Administrative Regulation 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

## CONDUCT (continued)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

#### CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

#### PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

#### VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

#### CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

#### UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

#### COURT DECISIONS

*J.C. v. Beverly Hills Unified School District*, (2010) 711 F.Supp.2d 1094

*LaVine v. Blaine School District*, (2000, 9th Cir.) 257 F.3d 981

*Emmett v. Kent School District No. 415*, (2000) 92 F.Supp. 1088

*Bethel School District No. 403 v. Fraser*, (1986) 478 U.S. 675

*New Jersey v. T.L.O.*, (1985) 469 U.S. 325

*Tinker v. Des Moines Independent Community School District*, (1969) 393 U.S. 503

### Management Resources:

#### CSBA PUBLICATIONS

*Safe Schools: Strategies for Boards of Education 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

*Bullying at School*, 2003

#### WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss/>

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

**BUS DRIVER'S AUTHORITY**

**Bus Conduct**

Administrators, classified employees and teachers shall ensure that students are transported in school buses in an orderly and safe manner.

The Superintendent is responsible for the establishment, review and modification of administrative procedures to implement the intent of the Board of Education to provide for a safe and orderly transportation program.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

39800 Transportation

39839 Transportation of guide dogs, signal dogs, service dogs

44808 Duty to supervise conduct of students

48900 Grounds for suspension and expulsion

48918 Expulsion procedures

49060-49079 Student records

49073-49079 Privacy of student records

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

*Management Resources:*

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco>

**BULLYING**

The Board of Education 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.

*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.

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

**Bullying Prevention**

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

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

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

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

## **BULLYING** (continued)

### **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.

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

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

### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

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 sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

### **Discipline**

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

## **BULLYING (continued)**

### *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

*Safe Schools: Strategies for Boards of Education 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/ls/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>



**ALCOHOL AND OTHER DRUGS**

The Board of Education believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

**Instruction**

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

## **ALCOHOL AND OTHER DRUGS (continued)**

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

### **Intervention, Referral and Student Assistance Programs**

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

### **Enforcement/Discipline**

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

*Legal Reference: (see next page)*

**ALCOHOL AND OTHER DRUGS (continued)**

*Legal Reference:*

EDUCATION CODE

44049 *Known or suspected alcohol or drug abuse by student*  
44645 *In-service training anabolic steroids*  
48900 *Suspension or expulsion (grounds)*  
48900.5 *Suspension, limitation on imposition; exception*  
48901 *Smoking or use of tobacco prohibited*  
48901.5 *Prohibition of electronic signaling devices*  
48902 *Notification of law enforcement authorities; civil or criminal immunity*  
48909 *Narcotics or other hallucinogenic drugs*  
48915 *Expulsion; particular circumstances*  
49602 *Confidentiality of pupil information*  
51202 *Instruction in personal and public health and safety*  
51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*  
51210 *Areas of study*  
51220 *Areas of study, grades 7 to 12*  
51260-51269 *Drug education*  
60041 *Instructional materials*  
60110-60115 *Instructional materials on alcohol and drug education*

BUSINESS AND PROFESSIONS CODE

25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

11032 *Narcotics, restricted dangerous drugs and marijuana*  
11053-11058 *Standards and schedules*  
11353.6 *Juvenile Drug Trafficking and Schoolyard Act*  
11357 *Unauthorized possession of marijuana; possession in school or on school grounds*  
11361.5 *Destruction of arrest or conviction records*  
11372.7 *Drug program fund; uses*  
11802 *Joint school-community alcohol abuse primary education and prevention program*  
11998-11998.3 *Drug and Alcohol Abuse Master Plans*  
11999-11999.3 *Alcohol and drug program funding; no unlawful use*  
124175-124200 *Adolescent family life program*

PENAL CODE

13860-13864 *Suppression of drug abuse in schools*

VEHICLE CODE

13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over;*

WELFARE AND INSTITUTIONS CODE

828 *Disclosure of information re minors*  
828.1 *Disclosure of criminal records; protection of vulnerable staff & students*

UNITED STATES CODE, TITLE 20

5812 *National education goals*  
7101-7184 *Safe and Drug-Free Schools and Communities Act*

*Management Resources: (see next page)*

**ALCOHOL AND OTHER DRUGS** (continued)

*Management Resources:*

WEB SITES

*California Department of Education, Alcohol, Tobacco and Other Drug Prevention:*

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

*California Healthy Kids: <http://www.californiahealthykids.org>*

*U.S. Department of Education, Office of Safe and Drug Free Schools:*

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

**TOBACCO**

The Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

**Prohibition Against Tobacco Use**

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

**Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

**Intervention/Cessation Services**

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

**Program Planning**

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

**TOBACCO** (continued)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

**Program Evaluation**

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

*Legal Reference: (see next page)*

**TOBACCO** (continued)

*Legal Reference:*

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

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

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>

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

U.S. Surgeon General: <http://www.surgeongeneral.gov>

**STEROIDS**

The Board of Education recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every reasonable effort to prevent students from using steroids or other performance-enhancing supplements.

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. (Education Code 49030)

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign a statement that the student athlete pledges not to use androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency and the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall be subject to disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law, Board policy, and administrative regulation.

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

*Legal Reference: (see next page)*



**STEROIDS (continued)**

*Legal Reference:*

EDUCATION CODE

49030-49034 *Performance-enhancing supplements*

51260-51269 *Drug education, especially:*

51262 *Use of anabolic steroids; legislative finding and declaration*

CIVIL CODE

1812.97 *Warning statement; posting in athletic facilities*

HEALTH AND SAFETY CODE

110423.2 *Dietary supplements*

*Management Resources:*

CALIFORNIA INTERSCHOLASTIC FEDERATION BYLAWS

*California Interscholastic Federation Constitution and Bylaws 2005-06*

U.S. ANTI-DOPING AGENCY PUBLICATIONS

*Guide to Prohibited Substances and Prohibited Methods of Doping*

WEB SITES

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

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

California Interscholastic Federation: <http://www.cifstate.org>

National Center for Drug Free Sport: <http://www.drugfreesport.com>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

U.S. Anti-Doping Agency: <http://www.usantidoping.org>

**WEAPONS AND DANGEROUS INSTRUMENTS**

The Board of Education recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

**Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)

**Advance Permission for Possession of a Weapon for Educational Purposes**

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall, at least five school days in advance of the planned possession, submit a written request to the principal which explains the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

## **WEAPONS AND DANGEROUS INSTRUMENTS (continued)**

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

### **Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

### **Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

*Legal Reference: (see next page)*

**WEAPONS AND DANGEROUS INSTRUMENTS (continued)**

*Legal Reference:*

EDUCATION CODE

35291 *Governing board to prescribe rules for discipline of the schools*

48900 *Grounds for suspension/expulsion*

48902 *Notification of law enforcement authorities*

48915 *Required recommendation for expulsions*

48916 *Readmission*

49330-49335 *Injurious objects*

PENAL CODE

245 *Assault with deadly weapon*

417.4 *Imitation firearm; drawing or exhibiting*

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Dirks, daggers, knives, razor or stun gun; bringing or possessing in school*

653k *Switchblade knife*

16100-17350 *Definitions*

22810-23025 *Tear gas weapon (pepper spray)*

25200-25225 *Firearms, access to children*

30310 *Prohibition against ammunition on school grounds*

UNITED STATES CODE, TITLE 20

6301-7941 *No Child Left Behind Act, especially:*

7151 *Gun-Free Schools Act*

*Management Resources:*

CSBA PUBLICATIONS

*Safe Schools: Strategies for Boards of Education to Ensure Student Success, Third Edition, October 2011*

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

*0401.01 Protecting Student Identification in Reporting Injurious Objects*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January 2004*

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:

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

**ACADEMIC HONESTY**

The Board of Education 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.

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.

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.

*Legal Reference:*

EDUCATION CODE  
35291-35291.5 Rules

**STUDENT DRESS CODE**

The district subscribes to the philosophy that students will be provided with a quality education in a safe, appropriate environment. In this regard, the Board of Education has determined that the presence of certain types of clothing and attire can cause a substantial disruption of our material interference with instructional and other school activities and create potential health and safety concerns. Specifically, the Board believes that it is necessary to establish a dress and grooming policy designed to promote the safety and well-being of students, prohibit the wearing or display of clothing, attire, jewelry, or materials that evidence membership in or affiliation with any gang, are obscene, sexually explicit or suggestive, or may promote unlawful or unsavory behaviors, including the use/abuse of drugs and alcohol. For the purpose of this policy, a gang is defined as a group or individual who advocates and practices violent or otherwise unlawful behavior or is counterproductive to the education and welfare of students or the learning environment. The possession of paraphernalia or the overt acts of using symbols identified with such groups or individuals shall be prohibited.

In recognition of the instructional responsibilities and goals of the district, the district hereby adopts the following rules relative to the dress and appearance of students, which will be strictly enforced.

1. All clothes must be neat, clean, in good repair, not frayed, and be an appropriate size and length (e.g., no baggy, oversized pants, short skirts or short shorts).
2. Girls may not wear sheer, low cut, revealing blouses, bare midriff, or braless outfits.
3. Undergarments shall be worn and must not be visible at any time.
4. Clothing or jewelry which depicts or suggests sexually related or obscene gestures, pictures, or wording, which promotes the use/abuse of drugs or alcohol, or which promotes unlawful or unsavory behavior shall not be worn on campus or at school activities.
5. No student shall wear articles of clothing, jewelry, or accessories which pose a threat to the physical well-being and safety of the student or others (e.g., spiked collars or wristbands, chains, belts of excessive length, or any writing or type of writing on said articles).
6. No clothing or articles of clothing or methods of grooming (including, but not limited to gloves, bandannas, belt buckles, shoestrings, wristbands, jewelry, tattoos, extreme hair styles) which has been related to a group or gang, or which may create potential health and safety concerns or provoke others to acts of violence or to be intimidated by fear of violence, or could possibly disrupt the educational process, shall be worn on campus or at any school activity.

**STUDENT DRESS CODE** (continued)

7. Specific requirements for school dress shall be reviewed annually by administration and parents/guardians and outlined in the Discipline Rules and Consequences matrix at each school.

*Legal Reference:*

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

**SUSPENSION AND EXPULSION/DUE PROCESS**

The Board of Education 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.

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)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

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.

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.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

**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)

**Removal from Class by a Teacher and Parental Attendance**

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.



**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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)

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)

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.

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.

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)

**Decision Not to Enforce Expulsion Order**

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)

*Legal Reference: (see next page)*

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*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

*Legal Reference continued: (see next page)*

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### *Legal Reference: (continued)*

#### PENAL CODE (continued)

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 Boards of Education 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>

**SEARCH AND SEIZURE**

The Board of Education is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

**Individual Searches**

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

**SEARCH AND SEIZURE** (continued)

**Searches of Multiple Student Lockers/Desks**

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

*Legal Reference: (see next page)*

## SEARCH AND SEIZURE (continued)

### *Legal Reference:*

#### EDUCATION CODE

32280-32289 *School safety plans*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

48900-48927 *Suspension and expulsion*

49050-49051 *Searches by school employees*

49330-49334 *Injurious objects*

#### PENAL CODE

626.9 *Firearms*

626.10 *Dirks, daggers, knives or razor*

#### CALIFORNIA CONSTITUTION

*Article I, Section 28(c) Right to Safe Schools*

#### COURT DECISIONS

*Redding v. Safford Unified School District*, (9th Cir. 2008) 531 F.3d 1071

*B.C. v. Plumas*, (9th Cir. 1999) 192 F.3d 1260

*Jennings v. Joshua Independent School District*, (5th Cir. 1989) 877 F.2d 313

*O'Connor v. Ortega*, (1987) 480 U.S. 709

*New Jersey v. T.L.O.*, (1985) 469 U.S. 325

*Horton v. Goose Creek Independent School District*, (5th Cir. 1982) 690 F.2d 470

*Zamora v. Pomeroy*, (10th Cir. 1981) 639 F.2d 662

#### ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 257 (2001)

75 *Ops.Cal.Atty.Gen.* 155 (1992)

### *Management Resources:*

#### NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

*The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies*, 1999

#### WEB SITES

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

California Attorney General's Office: <http://caag.state.ca.us>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

**FREEDOM OF SPEECH/EXPRESSION**

The Board of Education believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

**On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

**Off-Campus Expression**

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

**FREEDOM OF SPEECH/EXPRESSION (continued)**

*Legal Reference:*

EDUCATION CODE

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

51520 *Prohibited solicitations on school premises*

UNITED STATES CODE, TITLE 20

4071-4074 *Equal Access Act*

CALIFORNIA CONSTITUTION

Article 1, Section 2 *Freedom of speech and expression*

U.S. CONSTITUTION

Amendment 1 *Freedom of speech and expression*

COURT DECISIONS

*Smith v. Novato Unified School District*, (2007) 150 Cal.App.4th 1439

*Lavine v. Blaine School District*, (2001) 257 F.3d 981

*Emmett v. Kirkland School District No. 415*, (2000) 92 F.Supp. 2d 1088

*J.S. v. Bethlehem Area School District*, (2000) 757 A.2d 412 (Pa. Commw. 2000)

*Beussink v. Woodland R-IV School District*, (1998) 30 F.Supp. 2d 1175

*Muller v. Jefferson Lighthouse School*, (1996) 98 F.3d 1530

*Lovell v. Poway Unified School District*, (1996) 90 F.3d 367

*Hazelwood School District v. Kuhlmeier*, (1988) 108 S. Ct. 562

*Leeb v. DeLong*, (1988) 198 Cal.App.3d 47

*Bethel School District No. 403 v. Fraser*, (1986) 478 U.S. 675

*Bright v. Los Angeles Unified School District*, (1976) 18 Cal. 3d 350

*Tinker v. Des Moines Independent Community School District*, (1969) 393 U.S. 503

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*Limitations on Student Expression in School-Sponsored Publications*, March 4, 1988

WEB SITES

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

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



**NONDISCRIMINATION/HARASSMENT**

The Board of Education 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.

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 and 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.

The Superintendent or designee shall provide age-appropriate information to students 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.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping 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.

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.

**Grievance Procedures**

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:

**NONDISCRIMINATION/HARASSMENT** (continued)

Assistant Superintendent  
16703 South Clark Avenue  
Bellflower, CA 90706  
(562)-866-9011

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 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 site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

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.

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

*Legal Reference: (see next page)*

**NONDISCRIMINATION/HARASSMENT (continued)**

*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: (see next page)*

**NONDISCRIMINATION/HARASSMENT (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Safe Schools: Strategies for Boards of Education to Ensure Student Success, 2011*

*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*California Student Safety and Violence Prevention - Laws and Regulations, April 2004*

FIRST AMENDMENT CENTER PUBLICATIONS

*Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006*

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

*Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004*

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

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Notice of Non-Discrimination, January 1999*

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.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>

**PARENTAL NOTIFICATIONS**

The Board of Education 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)

**PARENTAL NOTIFICATIONS (continued)**

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

*Legal Reference continued: (see next page)*

**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

EDUCATION CODE (continued)

- 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-Moscone 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

*Legal Reference continued: (see next page)*

**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

EDUCATION CODE (continued)

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

*Legal Reference continued: (see next page)*



**PARENTAL NOTIFICATIONS (continued)**

*Legal Reference: (continued)*

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*

**SEXUAL HARASSMENT**

The Board of Education is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

**Instruction/Information**

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

**Complaint Process**

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

**SEXUAL HARASSMENT** (continued)

**Disciplinary Actions**

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

**Confidentiality and Record-Keeping**

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

*Legal Reference: (see next page)*

## SEXUAL HARASSMENT (continued)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

12950.1 Sexual harassment training

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

#### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

#### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

### Management Resources:

#### CSBA PUBLICATIONS

Safe Schools: Strategies for Boards of Education to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

#### OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

#### WEB SITES

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

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

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

**HATE-MOTIVATED BEHAVIOR**

In order to create a safe learning environment for all students, the Board of Education desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

**Grievance Procedures**

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

*Legal Reference: (see next page)*

**HATE-MOTIVATED BEHAVIOR** (continued)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*California Student Safety and Violence Prevention - Laws and Regulations, April 2004*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

*Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997*

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

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

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

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

U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

**MARRIED/PREGNANT/PARENTING 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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education 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.

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.

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**

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.

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)

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 and a child care and development program on or near the school site for the children of enrolled students.

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

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)

*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>



**CHILD CARE AND DEVELOPMENT**

The Board of Education desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Superintendent or designee shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and inform parents/guardians about child care options.

The Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

The Board shall approve a written philosophical statement, goals, and objectives for the district's child care and development program that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and administrative regulation. (5 CCR 18271)

As needed, the Superintendent or designee may identify district facilities that have capacity to provide child care and development services and/or may recommend that the Board enter into an agreement with a public agency or community organization to use community facilities for the purpose of providing such services.

Admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

When all families eligible for subsidized services have been served, priority for admissions shall be given to district students and children of district employees.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

**CHILD CARE AND DEVELOPMENT** (continued)

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

*Legal Reference: (see next page)*

**CHILD CARE AND DEVELOPMENT** (continued)*Legal Reference:*EDUCATION CODE8200-8499.10 *Child Care and Development Services Act, especially:*8200-8209 *General provisions for child care and development services*8210-8216 *Resource and referral program*8220-8226 *Alternative payment program*8230-8233 *Migrant child care and development program*8235-8239 *California state preschool program*8240-8244 *General child care programs*8250-8252 *Programs for children with special needs*8263 *Eligibility and priorities for subsidized child development services*8278.3 *Child Care Facilities Revolving Fund*8360-8370 *Personnel qualifications*8400-8409 *Contracts*8482-8484.6 *After-school education and safety program*8484.7-8484.8 *21st Century community learning centers*8493-8498 *Facilities*8499-8499.7 *Local planning councils*17609-17610 *Integrated pest management, applicability to child care facilities*49540-49546 *Child care food program*49570 *National School Lunch program*54740-54749.5 *Cal-SAFE program for pregnant/parenting students and their children*56244 *Staff development funding*HEALTH AND SAFETY CODE1596.70-1596.895 *California Child Day Care Act*1596.90-1597.21 *Day care centers*120325-120380 *Immunization requirements*CODE OF REGULATIONS, TITLE 518000-18434 *Child care and development programs, especially:*18012-18122 *General requirements*18180-18192 *Federal and state migrant programs*18210-18213 *Severely handicapped program*18220-18231 *Alternative payment program*18240-18248 *Resource and referral program*18270-18281 *Program quality, accountability*18290-18292 *Staffing ratios*18295 *Waiver of qualifications for site supervisor*18300-18308 *Appeals and dispute resolution*80105-80125 *Commission on Teacher Credentialing, child care and development permits*CODE OF REGULATIONS, TITLE 22101151-101239.2 *General requirements, licensed child care centers, especially:*101151-101163 *Licensing and application procedures*101212-101231 *Continuing requirements*101237-101239.2 *Facilities and equipment*UNITED STATES CODE, TITLE 421751-1769 *School lunch programs*9831-9852 *Head Start programs*9858-9858q *Child care and development block grant*CODE OF FEDERAL REGULATIONS, TITLE 7210.1-210.31 *National School Lunch program**Legal Reference continued: (see next page)*

**CHILD CARE AND DEVELOPMENT** (continued)

*Legal Reference: (continued)*

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 *Child care and development fund*

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)

91 Cal.App.4th 892

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010

Infant/Toddler Learning and Development Program Guidelines, 2006

Program Quality Standards and Standards Based on Exemplary Practice for Center-Based Programs and Family Child Care Home Networks, October 2004

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

01-06 The Desired Results for Children and Families System, May 31, 2001

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Child Development: <http://www.cde.ca.gov/sp/cd>

California Department of Social Services, Licensing Information: <http://ccld.ca.gov/PG492.htm>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

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

National Association for the Education of Young Children: <http://www.naeyc.org>

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

## PRESCHOOL/EARLY CHILDHOOD EDUCATION

Note: The following policy is **optional** and may be used both by districts that operate their own preschool/early childhood education programs and those that do not; see the appropriate sections below. CSBA's publication [Expanding Access to High-Quality Preschool Programs: A Resource and Policy Guide for School Leaders](#) provides information about characteristics of effective preschool programs and actions that the district and Board of Education can take to encourage and/or provide high-quality preschool education, including a worksheet to assist districts in the development of policy pertaining to preschool and early childhood education.

The Board of Education recognizes that high-quality preschool experiences help children ages 3-4 years to develop knowledge, skills, abilities, and attributes necessary for a successful transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

*(cf. 6170.1 - Transitional Kindergarten)*

### District Preschool Programs

Note: The following **optional** section is for use by districts that choose to provide preschool/early childhood education programs for children ages 3-4 years and should be revised to reflect district practice. Also see BP/AR 5148 - Child Care and Development.

Education Code 8235-8239 establish the California State Preschool Program (CSPP) with subsidized services for children ages 3-4 from low-income or otherwise disadvantaged families. The CSPP consolidates funding and program requirements for a number of state programs that serve children ages 3-4, including state preschool programs (Education Code 8235-8237), family literacy programs (Education Code 8238-8238.4), and general child care and development programs to the extent that they serve children ages 3-4 (Education Code 8240-8244). Agencies that provide general child care and development programs for children younger than age 3 or older than age 4 will continue to have a general child care and development contract for those services in addition to a CSPP contract. See the accompanying administrative regulation for major program requirements.

Preschool programs also may receive funding through the state migrant child care and development program (Education Code 8230-8233), state program for severely disabled children (Education Code 8250-8252), federal Head Start program (42 USC 9831-9852), or Title I preschool program (20 USC 6311-6322).

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools.

The Board shall set priorities for establishing or expanding services as resources become available. In so doing, the Board shall give consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

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

*(cf. 0520.4 - Quality Education Investment Schools)*

*(cf. 6171 - Title I Programs)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

8200-8499.10 *Child Care and Development Services Act, especially:*  
8200-8209 *General provisions for child care and development services*  
8230-8233 *Migrant child care and development program*  
8235-8239 *California State Preschool Program*  
8240-8244 *General child care and development programs*  
8250-8252 *Programs for children with special needs*  
8263 *Eligibility and priorities for subsidized child development services*  
8300-8303 *Early Learning Quality Improvement System Advisory Committee*  
8360-8370 *Personnel qualifications*  
8400-8409 *Contracts*  
8493-8498 *Facilities*  
8499.3-8499.7 *Local child care and development planning councils*  
54740-54749 *Cal-SAFE program for pregnant/parenting students and their children*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*  
1596.90-1597.21 *Day care centers*  
120325-120380 *Immunization requirements*

CODE OF REGULATIONS, TITLE 5

18000-18434 *Child care and development programs*  
80105-80125 *Permits authorizing service in child development programs*

UNITED STATES CODE, TITLE 20

6311-6322 *Title I, relative to preschool*  
6319 *Qualifications for teachers and paraprofessionals*  
6371-6376 *Early Reading First*  
6381-6381k *Even Start family literacy programs*  
6391-6399 *Education of migratory children*

UNITED STATES CODE, TITLE 42

9831-9852 *Head Start programs*  
9858-9858q *Child Care and Development Block Grant*

CODE OF FEDERAL REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, including:*  
101151-101163 *Licensing and application procedures*  
101212-101231 *Continuing requirements*  
101237-101239.2 *Facilities and equipment*

CODE OF FEDERAL REGULATIONS, TITLE 45

1301-1310 *Head Start*

*Management Resources: (see next page)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Expanding Access to High-Quality Preschool Programs: A Resource and Policy Guide for School Leaders, 2005*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California Preschool Learning Foundations*

*12-08 Disenrollment Due to 2012-13 Budget Reduction for California State Preschool Programs, Management Bulletin, July 2012*

*Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009*

*Prekindergarten Learning Development Guidelines, 2000*

*First Class: A Guide for Early Primary Education, 1999*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Good Start, Grow Smart, April 2002*

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Children and Families Commission: <http://www.cafc.ca.gov>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

California Head Start Association: <http://caheadstart.org>

California Preschool Instructional Network: <http://www.cpin.us>

Child Development Policy Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: <http://www.f5ac.org>

National Institute for Early Education Research: <http://nieer.org>

National School Boards Association: <http://www.nsba.org>

Preschool California: <http://www.preschoolcalifornia.org>

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

**AT-RISK 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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education recognizes that personal, social, health, and economic circumstances of children and families sometimes place students at risk of school failure. The Board believes, however, that each student can succeed in meeting district academic standards with appropriate educational programs and support services.

District assessments and ongoing classroom evaluations shall be used to identify students performing below grade-level or at risk of failing to meet district standards. The Superintendent or designee shall develop strategies to address the needs of at-risk students, which may include but are not limited to instructional strategies responsive to the needs of individual students, provision of supplemental instruction outside the regular school day, provision of effective support services, parent involvement, and/or enrollment in an alternative program.

The Superintendent or designee shall ensure that employees are trained to support students and are prepared to implement intervention strategies as needed or to make appropriate referrals.

The Superintendent or designee shall establish a student assistance program to help coordinate the district's learning support programs including education, prevention, early identification, intervention, referral, and support services, into an integrated delivery system.

The district's program for at-risk students shall emphasize coordination between site, district, and community-based programs in order to ensure effective implementation and shared accountability.

*Legal Reference: (see next page)*



**AT-RISK STUDENTS (continued)**

*Legal Reference:*

EDUCATION CODE

8800-8807 *Healthy Start support services for children*  
11500-11506 *Programs to encourage parent involvement*  
35160 *Authority of governing boards*  
35183 *Gang-related apparel*  
41505-41508 *Pupil Retention Block Grant*  
41510-41514 *School Safety Consolidated Competitive Grant*  
44049 *Report of alcohol or controlled substance abuse*  
48260-48273 *Truancy*  
48400-48454 *Continuation education*  
48660-48666 *Community day schools*  
49400-49409 *Student health*  
49450-49457 *Physical examinations of students*  
49600-49604 *Educational counseling*  
51266-51266.5 *Gang and substance abuse prevention curriculum*  
51268 *Collaboration re drug, alcohol and tobacco prevention*  
51745-51749.3 *Independent study programs*  
52200-52212 *Gifted and Talented Pupil Program*  
52800-52887 *School-Based Program Coordination Act*  
54400-54425 *Programs for disadvantaged children*  
54440-54445 *Migrant children*  
54740-54749.5 *California School Age Families*  
56000-56001 *Special education programs*  
56302 *Identification and assessment of needs for individuals with disabilities*

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52014 *Inclusion of activities in plan*  
52015 *Components of plan*  
54685-54686.2 *Early Intervention for School Success Program*

HEALTH AND SAFETY CODE

11802 *Joint school-community alcohol abuse primary education and prevention program*  
120325-120380 *Immunizations*  
121475-121520 *Tuberculosis tests for students*  
124025-124110 *Child health and disability prevention program*

PENAL CODE

11164-11174.3 *Child abuse and neglect reporting*

WELFARE AND INSTITUTIONS CODE

4343-4360 *Primary intervention programs - mental health*  
4370-4390 *School-based early mental health intervention and prevention*  
18975-18979 *Child abuse prevention training*  
18986.40-18986.46 *Interagency children's services programs*

CODE OF REGULATIONS, TITLE 5

11900-11935 *Healthy Start program*

UNITED STATES CODE, TITLE 20

6301-6578 *Title I programs*

**AT-RISK STUDENTS** (continued)

*Management Resources:*

WEB SITES

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

**PARENT INVOLVEMENT**

The Superintendent or designee shall work with staff and parents/guardians to develop and implement effective parent/guardian involvement activities to improve student academic achievement and school performance and to build the capacity of the school for strong parent/guardian involvement as regulated by the Education Code and in accordance with federal regulations.

Parents/guardians shall be notified and encouraged to participate in their children's education and of the opportunities available to them to do so.

The Superintendent or designee shall report to the Board of Education on the effectiveness of the district's parent/guardian involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent/guardian involvement opportunities and barriers that may inhibit parent/guardian participation.

*Legal Reference: (see next page)*

**PARENT INVOLVEMENT (continued)**

*Legal Reference:*

EDUCATION CODE

11500-11506 Programs to encourage parent involvement

48985 Notices in languages other than English

51101 Parent rights and responsibilities

64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school

UNITED STATES CODE, TITLE 20

6311 Parental notice of teacher qualifications and student achievement

6312 Local educational agency plan

6314 Schoolwide programs

6316 School improvement

6318 Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

*Management Resources:*

CSBA PUBLICATIONS

*Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006*

STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

*Parental Involvement: Title I, Part A, April 23, 2004*

WEB SITES

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

California Department of Education, Family, School, Community Partnerships:

<http://www.cde.ca.gov/ls/pf>

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

No Child Left Behind: <http://www.ed.gov/nclb>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

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

**CURRICULUM DEVELOPMENT AND EVALUATION**

The Board of Education desires to provide a research-based, sequential curriculum which promotes high levels of student achievement and emphasizes the development of basic skills, problem solving, and decision making. Upon recommendation of the Superintendent or designee, the Board shall adopt a written district curriculum which describes, for each subject area and grade level, the content objectives which are to be taught in all district schools.

The district's curriculum shall be aligned with the district's vision and goals for student learning, Board policies, academic content standards, state curriculum frameworks, state and district assessments, graduation requirements, school and district improvement plans, and, when necessary, related legal requirements. Instructional time for each curricular area will be aligned with the recommendations within each state-adopted curriculum framework.

The Superintendent or designee shall establish a process for curriculum development, selection, and/or adaptation which utilizes the professional expertise of teachers, principals, and district administrators representing various grade levels, disciplines, special programs, and categories of students as appropriate. The process also may provide opportunities for input from students, parents/guardians, representatives of local businesses and postsecondary institutions, and other community members.

The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.

When presenting a recommended curriculum for adoption, the Superintendent or designee shall provide research, data, or other evidence demonstrating the proven effectiveness of the proposed curriculum. He/she also shall present information about the resources that would be necessary to successfully implement the curriculum and describe any modifications or supplementary services that would be needed to make the curriculum accessible to all students.

The Board shall establish a review cycle for regularly evaluating the district's curriculum in order to ensure continued alignment with state and district goals for student achievement. At a minimum, these reviews shall be conducted whenever the State Board of Education adopts new or revised content standards or the curriculum framework for a particular subject or when new law requires a change or addition to the curriculum.

In addition, the Board may require a review of the curriculum in one or more subject areas as needed in response to student assessment results; feedback from teachers, administrators, or parent/guardians; new research on program effectiveness; or changing student needs.

**CURRICULUM DEVELOPMENT AND EVALUATION** (continued)

*Legal Reference:*

EDUCATION CODE

221.5 Equal opportunity

35160 Authority of governing boards

35160.1 Broad authority of school districts

51050-51057 Enforcement of courses of study

51200-51263 Required courses of study

51500-51540 Prohibited instruction

51720-51879.9 Authorized classes and courses of instruction

60000-60424 Instructional materials

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

4000-4091 School improvement programs

4400-4426 Improvement of elementary and secondary education

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Leadership: Curriculum, 1996*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Content Standards for California Public Schools: Kindergarten Through Grade 12*

*Curriculum Frameworks for California Public Schools: Kindergarten Through Grade 12*

WEB SITES

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

Association for Supervision and Curriculum Development: <http://www.ascd.org>

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

California Association for Supervision and Curriculum Development: <http://www.cascd.org>

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

**COURSES OF STUDY**

The Board of Education recognizes that a well-aligned sequence of courses fosters academic progress and provides for the best possible use of instructional time. The district's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and the workplace.

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district. As necessary, he/she also shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

**Elementary Grades**

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

**Secondary Grades**

The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years before graduation, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities. (Education Code 51224, 51228)

The Superintendent or designee shall develop a process by which courses that meet college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California for review and certification. He/she shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to each student in grades 9-12, and shall make updated lists readily available. (Education Code 51229, 66204)

*Legal Reference: (see next page)*

**COURSES OF STUDY (continued)**

*Legal Reference:*

EDUCATION CODE

33319.3 *Driver education; CDE materials on road rage*  
33540 *Government and civics instruction in interaction with government agencies*  
48980 *Parental notifications*  
51202 *Instruction in personal and public health and safety*  
51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*  
51204 *Course of study designed for student's needs*  
51204.5 *Social science instruction; history of California; contributions of various groups*  
51210-51212 *Course of study for grades 1-6*  
51220-51229 *Course of study for grades 7-12*  
51241 *Exemption from physical education*  
51911-51921 *Comprehensive health education*  
51930-51939 *Comprehensive sexual health and HIV/AIDS prevention instruction*  
51940 *Curriculum for brain and spinal cord injury prevention*  
53278-53280 *Supplemental School Counseling Program*  
60040-60052 *Requirements for instructional materials*  
66204 *Certification of high school courses as meeting university admission criteria*

HEALTH AND SAFETY CODE

11032 *Definition of dangerous drugs*

CODE OF REGULATIONS, TITLE 5

10020-10049 *Automobile driver education and training*

10060 *Physical education program*

UNITED STATES CODE, TITLE 20

6101-6251 *School-to-Work Opportunities Act of 1994*

*Management Resources:*

WEB SITES

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

California Career Resource Network: <http://www.californiacareers.info>

California Colleges.edu: <http://www.californiacolleges.edu>

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

California State University, Admission Requirements: [http://www.csumentor.edu/planning/high\\_school](http://www.csumentor.edu/planning/high_school)

University of California, a-g Course Submissions: [http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)

University of California, List of Approved a-g

Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>



**CONTROVERSIAL ISSUES**

The Board of Education believes that students should have opportunities to discuss controversial issues which have political, social or economic significance and which the students are mature enough to investigate and address. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions and respect the opinions of others.

The Board expects teachers to exercise caution and discretion when deciding whether or not a particular issue is suitable for study or discussion in any particular class. Teachers should not spend class time on any topic which they feel is not suitable for the class or related to the established course of study.

The Board also expects teachers to ensure that all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and warn them against drawing conclusions from insufficient data. The teacher shall not suppress any student's view on the issue as long as its expression is not malicious or abusive toward others.

Teachers sponsoring guest speakers shall either ask them not to use their position or influence on students to forward their own religious, political, economic or social views or shall take active steps to neutralize whatever bias has been presented.

*Legal Reference:*

EDUCATION CODE

*51510 Prohibited study or supplemental materials*

*51511 Religious matters properly included in courses of study*

*51530 Prohibition and definition re advocating or teaching communism with intent to indoctrinate*

*51933 Sex education courses*

*60040 Portrayal of cultural and racial diversity*

*60044 Prohibited instructional materials*

*60045 Required to be accurate, objective, current, and suited to needs and comprehension at respective grade levels*

**EXTRACURRICULAR AND COCURRICULAR ACTIVITIES**

Extracurricular and Cocurricular activities are to be considered an integral part of the district's educational program. It is expected that careful planning and proper supervision of all programs be provided by a certificated employee or any district employee who is currently certified to act as a supervisor or coach in the district. These activities and programs do not take precedence in importance over basic subject matter areas but remain in a position of supplemental activities to the regular program.

**Supervision**

Extracurricular and Cocurricular activities, wherever held, if conducted under the name or auspices of the school or any class or organization that is officially recognized as an integral part of the student body organization, shall be under the general supervision of school authority and shall be under the direct supervision of a certificated employee or any district employee who is currently certified to act as a supervisor or coach in the district.

**Eligibility to Represent the School**

All students elected to student offices or who represent their school in Extracurricular and Cocurricular activities shall demonstrate minimum progress in meeting the requirements for graduation and have and maintain good citizenship, attendance, and an average letter grade of "C" in all subjects 7-12. Students in grades 4-6 must meet or excel at the standards in no less than three of the four core subject areas-language arts, mathematics, social studies and science. Any student who fails to do so shall not be allowed to represent fellow students or the school for a period of time as determined by the student's principal, but in no case, except when approved by the Board of Education, shall the time exceed twelve calendar months.

*Legal Reference: (see next page)*

## **EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

35145 *Public meetings*

35160.5 *District policy rules and regulations; requirements; matters subject to regulation*

35179 *Interscholastic athletics; associations or consortia*

35181 *Students' responsibilities*

48850 *Participation of foster youth in extracurricular activities and interscholastic sports*

48930-48938 *Student organizations*

49024 *Activity Supervisor Clearance Certificate*

49700-49704 *Education of children of military families*

#### CALIFORNIA CONSTITUTION

*Article 9, Section 5 Common school system*

#### CODE OF REGULATIONS, TITLE 5

350 *Fees not permitted*

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

5531 *Supervision of extracurricular activities of pupils*

#### UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 *Title IX, 1972 Education Act Amendments*

#### COURT DECISIONS

*Hartzell v. Connell, (1984) 35 Cal. 3d 899*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Student Fees Litigation Update, ELA Advisory, May 20, 2011*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011*

#### CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

*Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009*

#### COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

*10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010*

#### WEB SITES

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

California Association of Directors of Activities: <http://www.cadal.org>

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

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

**HIGH SCHOOL GRADUATION REQUIREMENTS**

To receive a diploma of graduation from any of the district's high schools, the student must complete the course of study and meet the state and district graduation requirements as prescribed by the Board of Education.

**DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES**

The Board of Education recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

**Certificate of Educational Achievement or Completion**

Instead of a high school diploma, a student with disabilities may be awarded a certificate of completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

*Legal Reference: (see next page)*

**DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR  
STUDENTS WITH DISABILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

56341 Individualized education program team

56345 Elements of the IEP

56390-56392 Certificate of completion, special education

60850-60859 High school exit examination

CODE OF REGULATIONS, TITLE 5

3070 Graduation

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.320 Definition of IEP

*Management Resources:*

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html?src=mr>

**FIELD LEARNING EXPERIENCES**

The Board of Education encourages field learning experiences which contribute to the quality of education in the district. Field learning trips or excursions may be taken in connection with instructional courses or cocurricular activities such as social, cultural and athletic events. The normal course work which is missed because of students' participation in a field learning experience is also important and must be completed by participating students.

Field learning experiences shall be defined in the following way:

1. Field learning experiences are excursions taking place during the normal school day, during an evening, or on a weekend day.
2. Extended field learning experiences are defined as excursions that:
  - a. Extend significantly beyond the normal school day to require overnight accommodations or
  - b. Are of sufficient distance that air transportation is required or
  - c. Are outside the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, or Ventura
3. Out-of-state field learning experiences shall be defined as field learning experiences that require leaving the State of California and shall be reviewed by the Board.

The Board, to support its belief in free education for all students, requires that no class or school shall be authorized to participate in a field learning experience if any member of the group will be excluded from participation in the field learning experience due to the lack of personal funds.

Expenses associated with student participation in field learning experiences may be authorized from district funds, contributions, Associated Student Body accounts, educational partnerships, parents/guardians, and/or school support groups.

The district requires that all persons participating in extended and out-of-state field learning experiences waive all claims against the district and the State of California for injury, accident, illness or death occurring during or as a result of the field learning experience (Education Code 35330). Liability, accident, and health insurance, for participants (students and adults) in the extended or out-of-state field learning experiences may be required.

**FIELD LEARNING EXPERIENCES** (continued)

*Legal Reference:*

EDUCATION CODE

8760 *Authorization of outdoor science and conservation programs*

32040-32044 *First aid equipment: field trips*

35330 *Excursions and field trips*

35331 *Provision for medical or hospital service for pupils (on field trips)*

35332 *Transportation by chartered airline*

35350 *Transportation of students*

44808 *Liability when pupils not on school property*

48908 *Duties of pupils; authority of teachers*

BUSINESS AND PROFESSIONS CODE

17540 *Travel promoters*

17550-17550.9 *Sellers of travel*

17552-17556.5 *Educational travel organizations*

*Management Resources:*

WEB SITES

*American Red Cross: <http://www.redcross.org>*

*California Association of Directors of Activities: <http://www.cada1.org>*

*U.S. Department of Homeland Security: <http://www.dhs.gov>*



**HOMEWORK**

Homework shall be considered as an extension of the classroom learning process and as an addition to the regular school day. Homework is a valuable component of the educational process when assignments are meaningful, relevant, and appropriate. The goals of homework are to assist students in mastering the concepts learned in the classroom, to extend the curriculum when desirable, and to develop good study habits at each grade level (K-12). Homework will be assigned on a regular basis.

Assigned homework should have direct application to what is being studied in the classroom and should be designed to be totally accomplished outside the classroom setting. Teachers should insure that students understand the expectancies and purpose of the assignment. It should be viewed by the students as reasonable and accomplishable within the time allocated. Parents/guardians are encouraged to provide the opportunity for their children to complete homework assignments and to cooperate with and give support to the teachers who must consistently monitor, assess and respond to the student's homework assignments.

The Board of Education recognizes that homework contributes toward building responsibility, self-discipline and life-long learning habits, and that time spent on homework directly influences students' ability to meet the district's academic standards. The Board expects students, parents/guardians and staff to view homework as a routine and important part of students' daily lives.

The Superintendent or designee shall ensure that administrators and teachers develop and implement an effective homework plan at each school site.

*Legal Reference:*EDUCATION CODE*48205 Absences for personal reasons**48913 Completion of work missed by suspended student**48980 Parental notifications**58700-58702 Tutoring and homework assistance program; summer school apportionment credit**Management Resources:*SBE POLICIES*Parent Involvement in the Education of Their Children, 1994**Policy Statement on Homework, 1995*

**INDEPENDENT STUDY**

The Board of Education authorizes independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan and enabling students to reach curriculum objectives and fulfill graduation requirements. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

A student's participation in independent study shall be voluntary. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.

The minimum period of time for any independent study option shall be five consecutive school days.

The Superintendent or designee shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747)

The written agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than one week for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

When a participating student misses three assignments, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study. However, a student's written agreement may specify a lower or higher number of missed assignments that will trigger an evaluation when the Superintendent or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Except in unusual circumstances, it is expected that the supervising teacher will meet, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.

## **INDEPENDENT STUDY** (continued)

Missing appointments with the supervising teacher without valid reasons also may trigger an evaluation to determine whether the student should remain in independent study.

The Superintendent or designee shall annually report to the Board the number of students participating in independent study, the average daily attendance generated for apportionment purposes, the quality of these students' work as measured by standard indicators, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

### **Home-Based Independent Study**

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to have their children participate in independent study. Such participation allows continued contact and cooperation between the school system and the home-based student and ensures that the student will be offered a standards-based education substantially equivalent in quality and quantity to the district's classroom instruction.

*Legal Reference: (see next page)*

## INDEPENDENT STUDY (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 17289 Exemption for facilities
- 41976.2 Independent study programs; adult education funding
- 42238 Revenue limits
- 44865 Qualifications for home teachers and teachers in special classes and schools
- 46300-46307.1 Methods of computing average daily attendance
- 47612.5 Independent study in charter schools
- 48204 Residency based on parent employment
- 48206.3 Home or hospital instruction; students with temporary disabilities
- 48220 Classes of children exempted
- 48340 Improvement of pupil attendance
- 48915 Expulsion; particular circumstances
- 48916.1 Educational program requirements for expelled students
- 48917 Suspension of expulsion order
- 51225.3 Requirements for high school graduation
- 51745-51749.3 Independent study programs
- 52206 Gifted and talented education; use of independent study to augment program
- 52522 Adult education alternative instructional delivery
- 52523 Adult education as supplement to high school curriculum; criteria
- 56026 Individuals with exceptional needs
- 58500-58512 Alternative schools and programs of choice

#### FAMILY CODE

- 6550 Authorization affidavits

#### CODE OF REGULATIONS, TITLE 5

- 11700-11703 Independent study
- 19819 State audit compliance

#### COURT DECISIONS

- Modesto City Schools v. Education Audits Appeal Panel*, (2004) 123 Cal.App.4th 1365

#### EDUCATION AUDIT APPEALS PANEL DECISIONS

- Lucerne Valley Unified School District*, Case No. 03-02 (2005)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Independent Study Operations Manual*, 2000 Edition

*Elements of Exemplary Independent Study*

*Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools*, January 28, 2010

#### WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

**INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program (IEP) team, the contents of the IEP, and the development, review, and revision of the IEP.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

*Legal Reference: (see next page)*

**INDIVIDUALIZED EDUCATION PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

51225.3 *Requirements for high school graduation and diploma*  
56055 *Rights of foster parents pertaining to foster child's education*  
56136 *Guidelines for low incidence disabilities areas*  
56195.8 *Adoption of policies*  
56321 *Development or revision of IEP*  
56321.5 *Notice to include right to electronically record*  
56340.1-56347 *Instructional planning and individualized education program*  
56350-56352 *IEP for visually impaired students*  
56380 *IEP reviews; notice of right to request*  
56390-56392 *Certificate of completion, special education*  
56500-56509 *Procedural safeguards*  
60640-60649 *Standardized Testing and Reporting Program*  
60850 *High school exit examination, students with disabilities*  
60852.3 *High school exit examination, exemption for the class of 2006*

FAMILY CODE

6500-6502 *Age of majority*

GOVERNMENT CODE

7572.5 *Seriously emotionally disturbed child, expanded IEP team*

WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*  
601 *Minors habitually disobedient*  
602 *Minors violating law defined as crime*

CODE OF REGULATIONS, TITLE 5

853-853.5 *Standardized Testing and Reporting Program, accommodations*  
1215.5-1218 *High School Exit Examination, accommodations for students with disabilities*  
3021-3029 *Identification, referral and assessment*  
3040-3043 *Instructional planning and the individualized education program*

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Individuals with Disabilities Education Act*

COURT DECISIONS

*Schaffer v. Weast* (2005) 125 S. Ct. 528  
*Shapiro v. Paradise Valley Unified School District, No. 69* (9<sup>th</sup> Circuit, 2003) 317 F.3d 1072  
*Sacramento City School District v. Rachel H.* (9<sup>th</sup> Cir. 1994) 14 F.3d 1398

ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 157 (2002)

*Management Resources:*

FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

WEB SITES

*California Department of Education:* <http://www.cde.ca.gov>  
*U.S. Department of Education, Office of Special Education and Rehabilitative Services:*  
<http://www.ed.gov/about/offices/list/osers/osep>

Policy  
adopted:

**BELLFLOWER UNIFIED SCHOOL DISTRICT**  
Bellflower, California

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

The Board of Education desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

*Legal Reference: (see next page)*

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

*Legal Reference:*

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

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

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education

4600-4671 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

*Management Resources:*

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

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

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

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



**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION**

The Board of Education may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

*Legal Reference: (see next page)*

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR  
SPECIAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*  
56042 *Placement not to be recommended by attorney with conflict of interest*  
56101 *Waivers*  
56163 *Certification*  
56168 *Responsibility for education of student in hospital or health facility school*  
56195.8 *Adoption of policies*  
56360-56369 *Implementation of special education*  
56711 *Computation of state aid*  
56740-56743 *Apportionments and reports*  
56760 *Annual budget plan; service proportions*  
56775.5 *Reimbursement of assessment and identification costs*

GOVERNMENT CODE

7570-7588 *Interagency responsibilities for providing services to children with disabilities, especially:*  
7572.55 *Seriously emotionally disturbed child; out-of-state placement*

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*  
727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*  
3061-3069 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

*Agostini v. Felton*, (1997) 521 U.S. 203, 117 S.Ct. 1997

*Management Resources:*

CDE LEGAL ADVISORIES

0317.99 *Nonpublic School/Agency Waivers and Reimbursement to Parents*

FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

WEB SITES

CDE: <http://www.cde.ca.gov>

US Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/offices/OSERS>

**APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS**

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

*Legal Reference:*

EDUCATION CODE

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children, especially:

7579.5 Surrogate parent; appointment; qualifications; liability

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1415 Procedural safeguards

UNITED STATES CODE, TITLE 42

11434a Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.30 Definition parent

300.519 Surrogate parents

*Management Resources:*

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

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

## SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Note: Pursuant to Education Code 60200 and 60400, the Board of Education is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. See BP 6161.11 - Supplementary Instructional Materials and BP/AR 6163.1 - Library Media Centers for selection processes regarding supplementary materials.

The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

*(cf. 0440 - District Technology Plan)*  
*(cf. 6000 - Concepts and Roles)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6143 - Courses of Study)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6163.1 - Library Media Centers)*

Note: The following paragraph is for use by districts that maintain any of grades K-8 and may be revised to reflect grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) is required to adopt basic instructional materials in specified subjects that districts may select for use in grades K-8. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60200, 60203, 60207, and 60209 to revise the process and timelines used by the state to adopt such materials.

AB 1246 also added Education Code 60210, which authorizes the Board to select materials that have not been approved by the SBE, provided they are aligned with state academic content standards or Common Core Standards. In addition, if the district uses materials not adopted by the SBE, the majority of participants in the review process must be teachers assigned to the subject area or grade level for which the materials will be used; see section below entitled "Review Process."

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

## **SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

Note: The following paragraph is for use by districts that maintain high schools.

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

Note: The following **optional** paragraph is consistent with priorities established in Education Code 60119 to ensure that each student is provided with sufficient standards-aligned instructional materials in four core curriculum areas: English/language arts, mathematics, science, and history-social science. The Instructional Materials Funding Realignment Program (Education Code 60420-60424), which had provided a block grant for instructional materials with a priority on materials that are aligned to state standards in those core courses, was repealed by AB 1246 (Ch. 668, Statutes of 2012).

The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

### **Review Process**

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

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.

*(cf. 1220 - Citizen Advisory Committees)*

Note: Pursuant to Education Code 60002, the Board must provide for "substantial" teacher involvement in the selection of instructional materials and must promote the involvement of parents/guardians and other members of the community in the selection of instructional materials. The Education Code does not define "substantial."

The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)

In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise, and students as appropriate.

Note: The following paragraph is for use by districts that maintain any of grades K-8. Education Code 60210, as added by AB 1246 (Ch. 668, Statutes of 2012), adds the following requirement for the review of K-8 materials that have not been adopted by the SBE.

## **SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

If the district chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)

Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

*(cf. 9270 - Conflict of Interest)*

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.

All recommended instructional materials shall be available for public inspection at the district office.

*(cf. 5020 - Parent Rights and Responsibilities)*

Note: SBE Policy on Guidelines for Piloting Textbooks and Instructional Materials provides a sample process for piloting instructional materials that addresses the selection of materials to pilot, a chronology of the process, and additional considerations, such as conflict of interest, contacts with publishers, and consideration of standards maps.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

### **Public Hearing on Sufficiency of Instructional Materials**

Note: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts, mathematics, science, and history-social science that are consistent with the content and cycles of the curriculum framework adopted by the SBE.

Education Code 1240 requires the County Superintendent of Schools to review the textbooks or instructional materials of schools ranked in deciles 1-3 of the Academic Performance Index (API). If the County Superintendent determines that a school does not have sufficient materials, he/she must prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that the California Department of Education (CDE) purchase textbooks or materials for the district, and the cost must be repaid by the district. The CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

Note: The remainder of this policy applies to all districts.

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

*(cf. 9322 - Agenda/Meeting Materials)*

Note: Education Code 60119 requires the Board to adopt a resolution indicating whether or not each student in each school has sufficient standards-aligned textbooks or instructional materials. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60119 to provide that the materials may be aligned to either state content standards adopted pursuant to Education Code 60605 or Common Core Standards adopted pursuant to Education Code 60605.8. See the accompanying Exhibit for a sample resolution.

Pursuant to Education Code 60119, the determination of the sufficiency of textbooks or instructional materials for mathematics, science, history-social science, and English/language arts is a condition for receipt of state instructional materials funding. The Board must also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in foreign language and health courses, as well as science laboratory equipment in science laboratory courses, although the provision of the materials or the equipment in these courses is not a condition for receipt of state instructional materials funding.

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined in each of the following subjects: (Education Code 60119)

1. Mathematics

*(cf. 6142.92 - Mathematics Instruction)*

2. Science

(cf. 6142.93 - Science Instruction)

BP 6161.1(e)

## **SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

### 3. History-social science

(cf. 6142.94 - History-Social Science Instruction)

### 4. English language arts, including the English language development component of an adopted program

(cf. 6142.91 - English/Language Arts Instruction)

(cf. 6174 - Education for English Language Learners)

### 5. Foreign language

(cf. 6142.2 - World/Foreign Language Instruction)

### 6. Health

(cf. 6142.8 - Comprehensive Health Education)

Note: The following paragraph is for use by districts that maintain any of grades 9-12.

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

Note: Education Code 1240.3 and 42605 specify that, for the 2008-09 through 2014-15 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same course have "identical" standards-aligned textbooks and instructional materials from the same adoption cycle. However, Education Code 1240.3 does not require districts to purchase all of the instructional materials included in an adoption cycle if the materials that are purchased are made available to all the students for whom they are intended in all of the schools within the district.

For example, fourth-grade students at all district schools must have instructional materials from the same SBE science adoption cycle, though fourth-grade students at different schools could be using materials from different publishers within the same adoption cycle. However, the district may use materials from different adoption cycles for grades K-3 and grades 4-8 since those students are not in the same "course."



**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

The Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3 and 60119. (Education Code 1240.3, 42605)

**Complaints**

Note: Complaints regarding the contents of instructional materials are addressed in BP/AR 1312.2 - Complaints Concerning Instructional Materials. See AR 1312.4 - Williams Uniform Complaint Procedures for language regarding complaints about deficiencies in instructional materials.
--

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

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

*Legal Reference: (see next page)*

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

- 220 Prohibition against discrimination
  - 1240 County superintendent, general duties
  - 1240.3 Definition of sufficiency for categorical flexibility
  - 33050-33053 General waiver authority
  - 33126 School accountability report card
  - 35272 Education and athletic materials
  - 42605 Tier 3 categorical flexibility
  - 44805 Enforcement of course of studies; use of textbooks, rules and regulations
  - 49415 Maximum textbook weight
  - 51501 Nondiscriminatory subject matter
  - 60000-60005 Instructional materials, legislative intent
  - 60010 Definitions
  - 60040-60052 Instructional requirements and materials
  - 60060-60062 Requirements for publishers and manufacturers
  - 60070-60076 Prohibited acts (re instructional materials)
  - 60110-60115 Instructional materials on alcohol and drug education
  - 60119 Public hearing on sufficiency of materials
  - 60200-60210 Elementary school materials
  - 60226 Requirements for publishers and manufacturers
  - 60240-60252 State Instructional Materials Fund
  - 60350-60352 Core reading program instructional materials
  - 60400-60411 High school textbooks
  - 60510-60511 Donation for sale of obsolete instructional materials
  - 60605 State content standards
  - 60605.8 Common Core Standards
  - 60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards
- CODE OF REGULATIONS, TITLE 5
- 9505-9530 Instructional materials

*Management Resources:*

CSBA PUBLICATIONS

*Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

01-05 *Guidelines for Piloting Textbooks and Instructional Materials, September 2001*  
*Standards for Evaluating Instructional Materials for Social Content, 2000*

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

California Academic Content Standards Commission, Common Core Standards:  
<http://www.scoe.net/castandards>

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

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS**

The Board of Education encourages the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.

*Supplementary instructional materials* include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

1. To provide more complete coverage of one or more subjects included in a given course
2. To meet the various learning ability levels of students in a given age group or grade level
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

**Supplementary Materials Aligned with Common Core Standards**

To prepare district students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the Board

## **SUPPLEMENTARY INSTRUCTIONAL MATERIALS** (continued)

may select supplementary instructional materials from the lists of materials determined by the State Board of Education (SBE) to be aligned with those standards. (Education Code 60605.86-60605.88)

The Board may approve supplementary instructional materials that are not on the lists approved by the SBE but which are aligned with the Common Core Standards provided that the materials comply with the evaluation criteria established by the SBE and Education Code 60050, 60060-60062, and 60226. The Board shall select content review experts who possess the qualifications specified in law to review and recommend such supplementary materials. The majority of the content review experts shall be teachers who are credentialed and/or authorized in the subject area they are reviewing and the remainder shall include appropriate persons from postsecondary educational institutions, school and district curriculum administrators, and other persons who are knowledgeable in the subject area. (Education Code 60605.86-60605.88)

### **Appropriateness of Materials**

Whenever a district employee proposes to use a supplementary resource which is not included in the approved learning resources of the district, he/she shall preview the material to determine whether, in his/her professional judgment, it is appropriate for the grade level taught and is consistent with district criteria for the selection of supplementary instructional materials.

The employee shall confer with the Superintendent or designee as necessary to determine the compliance of the material with district criteria. The primary considerations should be the educational value, appropriateness, and relevance of the materials as well as the ages and maturity of the students.

*Legal Reference: (see next page)*

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)**

*Legal Reference:*

EDUCATION CODE

233.5 *Duty regarding instruction in morals, manners, and citizenship*

18111 *Exclusion of books by governing board*

51510 *Prohibited study or supplemental materials*

51511 *Religious matters properly included*

51933 *Sex education materials*

60010 *Definitions*

60050 *Social content review of instructional materials*

60060-60062 *Requirements of publishers*

60200.7 *Suspension of state instructional materials adoptions*

60226 *Learner verification of instructional materials*

60242 *Uses of instructional materials funds*

60400 *Adoption of high school instructional materials*

60605.8 *Common Core Standards*

60605.86-60605.88 *Supplemental instructional materials aligned with Common Core Standards*

60811.3 *English language development standards*

COURT DECISIONS

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

Fowler v. Board of Education of Lincoln County, (1978) 819 F.2d 657

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

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

**DAMAGED OR LOST INSTRUCTIONAL MATERIALS**

The Board of Education recognizes that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine an appropriate charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student or parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/guardian, the district may withhold the student's grades, diploma and transcripts in accordance with law, Board policy, and administrative regulation.

*Legal Reference:*

EDUCATION CODE

48904 *Willful misconduct; limit of liability of parent or guardian*

48904.3 *Withholding grades, diplomas or transcripts of students causing property damage or injury*

60119 *Public hearing on sufficiency of materials*

60411 *Purchase and use; property of district*

CIVIL CODE

1714.1 *Liability of parent or guardian for act of willful misconduct by a minor*

CODE OF REGULATIONS, TITLE 5

305 *Student responsible for care of property*

*Management Resources:*

WEB SITES

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

**STUDENT ASSESSMENT**

The Board of Education recognizes that student assessments are an important instructional and accountability tool. Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, program effectiveness and staff evaluations shall, as appropriate, be based in part on indicators of student achievement.

To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments. As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, or school site to allow for critical analysis of student needs.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and the test publisher's directions and that test administration procedures are fair and equitable for all students.

The Superintendent or designee shall provide professional development to assist teachers and paraprofessionals in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the local community in interpreting test results and evaluating school performance.

*Legal Reference: (see next page)*

**STUDENT ASSESSMENT** (continued)

*Legal Reference:*

EDUCATION CODE

313 *Assessment of English language development*

10600-10610 *California Education Information System*

44660-44665 *Evaluation and assessment of performance of certificated employees (Stull Act)*

51041 *Evaluation of educational program*

51450-51455 *Golden State Seal Merit Diploma*

60600-60649 *Assessment of academic achievement, especially:*

60640-60649 *Standardized Testing and Reporting Program*

60800 *Physical fitness testing*

60810-60812 *Assessment of English language development*

60850-60859 *High school exit examination*

60900 *California Longitudinal Pupil Achievement Data System*

CODE OF REGULATIONS, TITLE 5

850-870 *Standardized Testing and Reporting program*

1200-1225 *High School Exit Examination*

UNITED STATES CODE, TITLE 20

9622 *National Assessment of Educational Progress*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Key Elements of Testing, 2004*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Teachers' Use of Student Data Systems to Improve Instruction, 2007*

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

Educational Testing Service: <http://www.ets.org>

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



**USE OF COPYRIGHTED MATERIALS**

District staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Board policy, and administrative regulation. The district shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent or designee for clarification and assistance. At no time shall it be necessary for a district employee to violate copyright laws in order to perform his/her duties.

The Superintendent or designee shall ensure that the district observes all publisher licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the district shall not make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

*Legal Reference:*

EDUCATION CODE

35182 *Computer software*

UNITED STATES CODE, TITLE 17

101-122 *Subject matter and scope of copyright, especially:*

102 *Definitions*

107 *Fair use*

110 *Limitations on exclusive rights: Exemption of certain performances and displays*

COURT DECISIONS

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

*Management Resources:*

U.S. COPYRIGHT OFFICE PUBLICATIONS

Circular 21: *Reproduction of Copyrighted Works by Educators and Librarians, 1995*

WEB SITES

*Copyright Clearance Center: <http://www.copyright.com>*

*Copyright Society of the USA: <http://www.csusa.org>*

*U.S. Copyright Office: <http://www.copyright.gov>*

**RESEARCH**

The Board of Education recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

*Legal Reference:*

EDUCATION CODE

*51513 Personal beliefs*

UNITED STATES CODE, TITLE 20

*1232h Protection of pupil rights*

*Management Resources:*

WEB SITES

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

*CDE: <http://www.cde.ca.gov>*

*USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>*

**ANIMALS AT SCHOOL**

The Board of Education recognizes that animals can contribute to the district's instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access district programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

The Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, the district assumes no liability for the safety of animals allowed on district property.

*Legal Reference: (see next page)*

**ANIMALS AT SCHOOL** (continued)

*Legal Reference:*

EDUCATION CODE

233.5 *Instruction in kindness to pets and humane treatment of living creatures*

39839 *Transportation of guide dogs, signal dogs, service dogs*

51202 *Instruction in personal and public health and safety*

51540 *Safe and humane treatment of animals at school*

CIVIL CODE

54.1 *Access to public places*

54.2 *Guide, signal, or service dogs, right to accompany*

GOVERNMENT CODE

810-996.6 *California Tort Claims Act, especially:*

815 *Liability for injuries generally; immunity of public entity*

835 *Conditions of liability*

VEHICLE CODE

21113 *Public grounds*

CODE OF REGULATIONS, TITLE 13

1216 *Transportation of property*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 *Definitions*

35.136 *Service animals*

COURT DECISIONS

*Sullivan v. Vallejo City USD, (1990) 731 F.Supp. 947*

*Management Resources:*

FEDERAL REGISTER

*Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236*

CSBA PUBLICATIONS

*Indoor Air Quality: Board of Education Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

WEB SITES:

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**STUDENT USE OF TECHNOLOGY**

The Board of Education intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

**Use of District Computers for Online Services/Internet Access**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal

**STUDENT USE OF TECHNOLOGY** (continued)

information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

*Legal Reference: (see next page)*

## STUDENT USE OF TECHNOLOGY (continued)

### *Legal Reference:*

#### EDUCATION CODE

51006 *Computer education and resources*

51007 *Programs to strengthen technological skills*

51870-51874 *Education technology*

60044 *Prohibited instructional materials*

#### PENAL CODE

313 *Harmful matter*

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

653.2 *Electronic communication devices, threats to safety*

#### UNITED STATES CODE, TITLE 15

6501-6506 *Children's Online Privacy Protection Act*

#### UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

#### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

#### CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy Protection Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

#### FEDERAL TRADE COMMISSION PUBLICATIONS

*How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000*

#### MY SPACE.COM PUBLICATIONS

*The Official School Administrator's Guide to Understanding MySpace and Resolving Social Networking Issues*

#### WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://csriu.org>

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

Web Wise Kids: <http://www.webwisekids.org>

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The Board of Education recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

*Legal Reference: (see next page)*



**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

*Legal Reference:*

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

GOVERNMENT CODE

95000-95029.5 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

COURT DECISIONS

Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

*Management Resources:*

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

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

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

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

The Board of Education recognizes its obligations under federal and state law to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district.

The Superintendent or designee shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities aged three to 22 in public schools within the district. (34 CFR 300.131; Education Code 56171)

The Superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

*Legal Reference: (see next page)*

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN  
PRIVATE SCHOOL (continued)**

*Legal Reference:*

EDUCATION CODE

56000 *Education for individuals with exceptional needs*

56020-56035 *Definitions*

56170-56177 *Children in private schools*

56195.8 *Adoption of policies for programs and services*

56300-56385 *Identification and referral, assessment*

56500-56509 *Procedural safeguards, including due process rights*

56600-56606 *Evaluation, audits and information*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.130-300.140 *Children with disabilities enrolled by their parents in private schools*

COURT DECISIONS

*Agostini v. Felton*, (1997) 521 U.S. 203, 117 S.Ct. 1997

*Management Resources:*

UNITED STATES DEPARTMENT OF EDUCATION PUBLICATIONS

*Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools*, March 2006

FEDERAL REGISTER

*Rules and Regulations*, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

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

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

**STUDENT SUCCESS TEAMS**

The Board of Education encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent or designee shall establish student success teams as needed to address individual students' needs.

The Superintendent or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

*Legal Reference: (see next page)*

**STUDENT SUCCESS TEAMS (continued)**

*Legal Reference:*

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

41505-41508 *Pupil Retention Block Grant*

48260-48273 *Truancy*

48400-48454 *Continuation education*

49600-49604 *Educational counseling*

51745-51749.3 *Independent study programs*

52200-52212 *Gifted and talented student programs*

54400-54425 *Programs for disadvantaged children*

54440-54445 *Migrant children*

WELFARE AND INSTITUTIONS CODE

4343-4352.5 *Primary interventions program, mental health*

18986.40-18986.46 *Interagency children's services*

*Management Resources:*

CDE PUBLICATIONS

*SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000*

*Student Success Teams: Supporting Teachers in General Education, 1997*

CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS

*SST: Student Success Teams, 2000*

WEB SITES

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

*California Dropout Prevention Network: <http://www.edualliance.org/cdpn>*

*National Dropout Prevention Center: <http://www.dropoutprevention.org>*

**EDUCATION FOR HOMELESS CHILDREN**

The Board of Education desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

**Transportation**

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

*Legal Reference:*

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

WEB SITES

California Department of Education, Homeless Children and Youth Education:

<http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE: <http://www.serve.org/nche>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

**EDUCATION FOR FOSTER YOUTH**

The Board of Education recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. The district shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and district academic standards.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as a district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training regarding the enrollment, placement, and rights of foster youth.

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build students' feelings of connectedness with the school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of students' resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

*Legal Reference: (see next page)*

**EDUCATION FOR FOSTER YOUTH** (continued)

*Legal Reference:*

EDUCATION CODE

32228-32228.5 *Student safety and violence prevention*

42920-42925 *Foster children educational services*

48645-48646 *Juvenile court schools*

48850-48859 *Educational placement of students residing in licensed children's institutions*

49061 *Student records*

49069.5 *Foster care students, transfer of records*

49076 *Access to student records*

51225.3 *High school graduation*

56055 *Rights of foster parents in special education*

60851 *High school exit examination*

HEALTH AND SAFETY CODE

1522.41 *Training and certification of group home administrators*

1529.2 *Training of licensed foster parents*

WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*

309 *Investigation and release of child*

361 *Limitations on parental or guardian control*

366.27 *Educational decision by relative providing living arrangements*

602 *Minors violating law; ward of court*

726 *Limitations on parental or guardian control*

727 *Order of care, ward of court*

16000-16014 *Foster care placement*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

670-679b *Federal assistance for foster care programs*

11431-11435 *McKinney-Vento Homeless Assistance Act*

*Management Resources:*

CSBA PUBLICATIONS

*Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008*

AMERICAN BAR ASSOCIATION PUBLICATIONS

*Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005*

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

*Our Children: Emancipating Foster Youth, A Community Action Guide*

WEB SITES

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

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

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

California Youth Connection: <http://www.cal youthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>



**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The district shall comply with State and Federal rules and regulations relative to the education for students of limited-English. It is the intent of the Board of Education that equality of opportunity be preserved for all students enrolled in the district instructional program(s).

The district's efforts to identify and assist limited-and non-English proficient students shall be based on sound education practice and research which meet the requirements of law, accomplish the Board's goals and meet the diverse needs of students. The Board recognizes that the recruitment, development and retention of qualified instructors and assistants is essential to the success of these efforts and shall take action, within budgetary constraints, to provide the necessary personnel.

The Superintendent shall maintain procedures which provide for the careful identification, assessment and placement of limited-and non-English proficient students in consultation with the parent/guardian of such students. Special care shall be taken to keep parents/guardians informed of their rights concerning the voluntary enrollment of their children in the district bilingual education program.

All limited-and non-English proficient students shall receive an annual language and skills assessment. (Education Code 52171.6)

In accordance with reclassification criteria, students of limited-English proficiency will be reclassified as fluent English proficient when they have acquired the English language skills of comprehension, speaking, reading, and writing necessary to receive instruction in English only, at a level substantially equivalent to that of students of the same age or grade whose primary language is English.

In addition to an objective assessment of English language skills, the reclassification process shall include, at a minimum, teacher evaluations, an assessment of basic skills, and consultation with the parent/guardian. (Education Code 52164.4 and Administrative Code 4306.) Provision will be made to provide subsequent monitoring and support of reclassified students.

*Legal Reference: (see next page)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

*Legal Reference:*

EDUCATION CODE

300-340 *English language education*  
430-446 *English Learner and Immigrant Pupil Federal Conformity Act*  
33050 *State Board of Education waiver authority*  
44253.1-44253.11 *Qualifications for teaching English learners*  
48985 *Notices to parents in language other than English*  
51101-51101.1 *Rights of parents*  
52130-52135 *Impacted Languages Act of 1984*  
52160-52178 *Bilingual Bicultural Act*  
52180-52186 *Bilingual teacher training assistance program*  
54000-54028 *Programs for disadvantaged children*  
60200.7 *Suspension of state instructional materials adoptions*  
60605.87 *Supplemental instructional materials, English language development*  
60810-60812 *Assessment of language development*  
62005.5 *Continuation of advisory committee after program sunsets*

CODE OF REGULATIONS, TITLE 5

11300-11316 *English learner education*  
11510-11517 *California English Language Development Test*

UNITED STATES CODE, TITLE 20

1701-1705 *Equal Educational Opportunities Act*  
6312 *Local education agency plans*  
6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*  
7012 *Parental notification*

COURT DECISIONS

*Valeria G. v. Wilson*, (2002) 307 F.3d 1036  
*California Teachers Association v. State Board of Education et al.*, (9th Circuit, 2001) 271 F.3d 1141  
*McLaughlin v. State Board of Education*, (1999) 75 Cal.App.4th 196  
*Teresa P. et al v. Berkeley Unified School District et al*, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 40 (2000)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California English Language Development Test (CELDT): 2012-13 CELDT Information Guide, 2012*  
*English Language Development Standards for California Public Schools: Kindergarten Through*  
*Grade Twelve, 2012*

*Matrix of Test Variations, Accommodations, and Modifications for Administration of California*  
*Statewide Assessments*

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

*Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP)*  
*Students, May 2007*

WEB SITES

California Department of Education: <http://www.cde.ca.gov/sp/el>  
U.S. Department of Education: <http://www.ed.gov>

**CAREER TECHNICAL EDUCATION**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs, tech prep programs, charter schools, small learning communities, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The Board shall review and approve all district plans and applications for the use of state and/or federal funds supporting CTE.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

At least every three years, the Superintendent or designee shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The Superintendent or designee shall systematically review the district's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

**CAREER TECHNICAL EDUCATION** (continued)

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. He/she also shall work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized career guidance and academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also shall provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

**Nondiscrimination**

The district's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. *Special populations* include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; single parents and single pregnant females; displaced homemakers; students with limited English proficiency; and students preparing for nontraditional fields. *Nontraditional fields* include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. (34 CFR 100.B, 104.8, 106.9)

## **CAREER TECHNICAL EDUCATION (continued)**

The above notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100.B)

### **School and Community Involvement**

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

The district also shall involve parents/guardians; students; academic and CTE teachers; administrators; career guidance and academic counselors; representatives of tech prep consortia if applicable, business and industry, labor organizations, and special populations; and other interested individuals in the development, implementation, and evaluation of CTE programs. (20 USC 2354)

### **Program Evaluation**

The Board shall monitor the achievement of students participating in the district's CTE program in order to determine the need for program improvements. The Superintendent or designee shall annually report to the Board and the California Department of Education on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment. Data shall be disaggregated, in accordance with 20 USC 2323, by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic disadvantage status and for each special population as defined in 20 USC 2302 and listed in the section "Nondiscrimination" above.

*Legal Reference: (see next page)*

**CAREER TECHNICAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

1205 *Classification of counties*

8006-8156 *Career technical education*

17078.70-17078.72 *Career technical education facilities*

33430-33432 *Health science and medical technology grants*

35168 *Inventory of equipment*

41505-41508 *Pupil Retention Block Grant*

41540-41544 *Targeted instructional improvement block grant*

44257.3 *CTC recognition of study in linked learning teaching methods*

44260-44260.1 *Designated subjects career technical education credential*

44260.9 *Designated subjects career technical education credential*

48430 *Legislative intent; continuation education schools and classes*

48980 *Parental notifications*

51220-51229 *Courses of study, grades 7-12*

51760-51769.5 *Work experience education*

52300-52499.66 *Career technical education*

52519-52520 *Adult education, occupational training*

53080-53084 *School-to-career initiatives*

53086 *California Career Resource Network*

54690-54699.1 *California Partnership Academies*

54750-54760 *California Partnership Academies, green technology and goods movement occupations*

56363 *Related services for students with disabilities; specially designed career technical education*

66205.5-66205.9 *Approval of career technical education courses for admission to California colleges*

88500-88551 *Community college economic and workforce development program*

GOVERNMENT CODE

54950-54963 *Brown Act*

LABOR CODE

3070-3099.5 *Apprenticeships*

CODE OF REGULATIONS, TITLE 5

1635 *Credit for work experience education*

3051.14 *Specially designed career technical education for students with disabilities*

10070-10075 *Work experience education*

10080-10092 *Community classrooms*

10100-10111 *Cooperative vocational education*

11500-11508 *Regional occupational centers and programs*

11535-11538 *Career technical education contracts with private postsecondary schools*

11610-11611 *Regional adult and vocational education councils*

CODE OF REGULATIONS, TITLE 8

200-240 *Apprenticeships*

*Legal Reference continued: (see next page)*

## CAREER TECHNICAL EDUCATION (continued)

### *Legal Reference: (continued)*

#### UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act of 2006*

6301-6578 *Improving the Academic Achievement of the Disadvantaged*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 *Records related to federal grant programs*

80.32 *Equipment acquired with federal funds*

80.42 *Record retention*

100.B *Appendix B Guidelines for eliminating discrimination in career technical education programs*

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

106.1-106.61 *Discrimination on the basis of sex, effectuating Title IX*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*2008-2012 State Plan for Career Technical Education*

*Multiple Pathways to Student Success: Envisioning the New California High School, 2010*

*Regional Occupational Centers and Programs Operations Handbook March 2008*

*Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs (ROCPs), rev. October 2007*

*Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007*

*California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005*

*Management of Vocational Education Equipment, April 2000*

#### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP STANDARDS PUBLICATIONS

*Orientation to Apprenticeships: A Guide for Educators, January 2001*

#### WEB SITES

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

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

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Workforce Investment Board: <http://www.calwia.org>

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

University of California, a-g Course Submissions: [http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)

U.S. Department of Education, Office of Vocational and Adult Education: <http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

**SUPPLEMENTAL INSTRUCTION**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

**Cautionary Notice:** 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.

**Required Supplemental Programs**

The district shall offer direct, systematic, and intensive supplemental instruction for:

1. Students in grades 2-9 who have been retained or recommended for retention pursuant to Education Code 48070.5 (Education Code 37252.2)
2. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation in order to help them pass the exam (Education Code 37252, 60851)

"Sufficient progress" shall be determined based on a student's results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Students who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first (Education Code 37254)
4. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years (20 USC 6316)



## **SUPPLEMENTAL INSTRUCTION** (continued)

### **Optional Supplemental Programs**

As funding, facilities, and staffing permit, supplemental instruction may be offered to:

1. Students in grades 2-6 who have been identified as being "at risk" of retention pursuant to Education Code 48070.5 (Education Code 37252.8)
2. Students in grades 2-6 who have been identified as having a deficiency in mathematics, reading, or written expression based on the results of the Standardized Testing and Reporting Program (Education Code 37252.8)
3. Students in grades K-12 who seek enrichment in mathematics, science, or other core academic areas designated by the Superintendent of Public Instruction (Education Code 37253)
4. Students in grades K-4 who need or desire intensive reading opportunities that meet standards for a research-based comprehensive reading program, including appropriate support to address the needs of English language learners (Education Code 41505-41508)
5. Students in grades 7-8 who need or desire intensive opportunities to practice skills in algebra and/or pre-algebra (Education Code 41505-41508)

### **Required Student Participation**

The Superintendent or designee may require participation in a supplemental instructional program for: (Education Code 37252.2, 37254.1)

1. Students in grades 7-12 who demonstrate insufficient progress toward the exit exam required for high school graduation pursuant to Education Code 37252
2. Students in grades 2-9 who are retained or recommended for retention pursuant to Education Code 37252.2
3. Students in grades 2-6 who are "at risk" of retention pursuant to Education Code 37252.8
4. Students in grades 2-6 who are deficient in mathematics, reading, or written expression pursuant to Education Code 37252.8
5. Students in grades K-12 participating in enrichment programs in core academic subjects pursuant to Education Code 37253

*Legal Reference: (see next page)*

**SUPPLEMENTAL INSTRUCTION** (continued)

*Legal Reference:*

EDUCATION CODE

1240 County Superintendent duties  
35186 Williams Uniform Complaint Procedures  
37200-37202 School calendar  
37223 Weekend classes  
37252-37254.1 Supplemental instruction  
41505-41508 Pupil Retention Block Grant  
42239 Supplemental instruction, apportionments  
44259 Comprehensive reading program  
46100 Length of school day  
48070-48070.5 Promotion and retention  
48200 Compulsory education  
48985 Translation of notices  
51210 Courses of study, elementary schools  
51220 Courses of study, secondary schools  
52378-52380 Supplemental School Counseling Program  
60603 Definitions, core curriculum areas  
60640-60648 Standardized Testing and Reporting Program  
60850-60859 High school exit examination

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 Establishment of school site council  
52014-52015 School plans  
53025-53031 Intensive reading instruction  
53091-53094 Intensive algebra instruction

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools and districts

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

*Implementation of Assembly Bill (AB) 347: requiring instruction and services for students who have not passed the exit exam but have met all other graduation requirements, October 26, 2007*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, June 13, 2005

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

**CONTINUATION EDUCATION**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

The Board of Education shall provide a continuation education program to meet the educational needs of district students who are not attending a high school or other appropriate educational institution and who are not legally exempted from compulsory continuation school attendance.

The Board shall establish a plan to coordinate instruction and training in the school with the home, employment and other agencies and shall designate one or more persons as coordinators. (5 CCR 11003)

The Superintendent or designee shall develop administrative regulations governing the involuntary transfer of students into the continuation education program. (Education Code 48432.5)

The Superintendent or designee may allow the voluntary enrollment of students in the continuation education program as space permits and when it is determined to be in the best interests of the student.

Minors otherwise subject to compulsory attendance in continuation education classes may be exempted if they meet any of the conditions specified in Education Code 48410.

The Board may maintain continuation classes during the district's regular school hours or during special school hours for these classes established by the Board. (Education Code 48434)

*Legal Reference: (see next page)*

**CONTINUATION EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

41505-41508 *Pupil Retention Block Grant*

42243.7 *District revenue limit for districts with a continuation high school*

48400-48454 *Compulsory continuation education in general, especially:*

48401 *Weekly minimum attendance requirement*

48402 *Minors not regularly employed*

48410-48416 *Compulsory continuation education*

48430-48438 *Continuation classes*

48450-48454 *Violation*

48900 *Grounds for suspension and expulsion*

48903 *Limitations on days of suspension*

51224 *Courses of study*

51225.3 *Requirements for graduation*

60850-60856 *High school exit examination*

FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

CODE OF REGULATIONS, TITLE 5

11000-11010 *Continuation education*

*Management Resources:*

WEB SITES

CDE: [www.cde.ca.gov](http://www.cde.ca.gov)

**COMMUNITY DAY SCHOOL**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education recognizes the need to provide an appropriate alternative educational program for expelled students who are prohibited from attending regular schools in the district and for certain students referred by probation or district processes. The district shall operate one or more community day schools designed to meet the needs of these students. The Superintendent or designee shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.

The Board perceives the community day school as a flexible component of a comprehensive effort to meet the needs of expelled and other at-risk students.

In order to foster positive attitudes and academic progress, the Board recognizes that community day schools must give students substantial individual help with their problems. Community day school staff shall collaborate with district counselors, psychologists, and other support staff and with the county office of education, law enforcement, probation, and human services agency staff who work with at-risk youth. To the extent possible, community day school programs shall provide a low student-teacher ratio as well as individualized instruction and assessment.

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law and administrative regulation.

The Superintendent or designee may require community day school students to attend school for up to seven days each week in a directed program designed to provide students with the skills and attitudes necessary for success when they are returned to a regular school environment.

*Legal Reference: (see next page)*

**COMMUNITY DAY SCHOOL** (continued)

*Legal Reference:*

EDUCATION CODE

1980-1986 *County community schools*

17085-17096 *Emergency portable facilities*

17280-17316 *Field Act, approvals*

17365-17374 *Field Act, fitness of occupancy*

48660-48666 *Community day schools*

48900-48926 *Suspension or expulsion*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction*

602 *Minors violating laws defining crime; ward of court*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

*Management Resources:*

CDE PROGRAM ADVISORIES

0306.96 *Expulsion Policies and Expulsion Placements, SPB: 95/96-04*

WEB SITES

CDE, Educational Options Office: <http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html>

**ADULT EDUCATION**

**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. The Bellflower Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Education recognizes that education is a lifelong process and that it is important for individuals to continuously develop new skills.

The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program.

*Legal Reference: (see next page)*

## ADULT EDUCATION (continued)

### *Legal Reference:*

#### EDUCATION CODE

8500-8538 *Adult education*

41505-41508 *Pupil Retention Block Grant*

41975-41976.2 *Adult education; authorized classes and courses*

44865 *Qualifications for home teachers and teachers in special classes*

46190-46192 *Adult school; days of attendance*

46300.4 *Independent study in adult education*

46351-46352 *Adult classes*

51040 *Prescribed courses*

51225.3 *Requirements for graduation*

51241-51246 *Exemptions from attendance*

51730-51732 *Elementary school special day and evening classes*

51810-51815 *Community service classes*

51938 *Parental excuse from sexual education or HIV/AIDS prevention education*

52500-52523 *Adult schools*

52530-52531 *Use of hospitals*

52540-52544 *Adult English classes*

52550-52556 *Classes in citizenship*

52570-52572 *Disabled adults*

52610-52616.24 *Finances*

52651-52656 *Immigrant Workforce Preparation Act*

60410 *Books for adult classes*

#### CODE OF REGULATIONS, TITLE 5

10501 *Adult education*

10508 *Records and reports*

10530-10560 *Standards*

10600-10615 *Adult education innovation*

#### UNITED STATES CODE, TITLE 8

1184 *Foreign students*

### *Management Resources:*

#### CDE PUBLICATIONS

*Adult Education Handbook for California, 1997*

#### CDE LEGAL ADVISORIES

0319.97 *Amendments to F-1 Student Visa Requirements, LO: 1-97*

#### CDE PROGRAM ADVISORIES

0600.92 *Using Independent Study in Adult Education Programs: An Option*

0609.88 *Education Fees for F-1 Visa Students*

0622.87 *Discrimination Against the Handicapped in Adult Education Programs*



**ARCHITECTURAL AND ENGINEERING SERVICES**

In order to ensure safe construction and protect the investment of public funds, the Board of Education requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of district schools and other facilities.

The Superintendent or designee shall devise a competitive process for the selection of architects and structural engineers that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, he/she shall recommend specific architectural and engineering firms to the Board. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

*Legal Reference:*

EDUCATION CODE

*17070.50 Conditions for apportionment*

*17280-17316 Approvals, especially:*

*17302 Persons qualified to prepare plans, specifications and estimates and supervise construction*

*17316 Contract provision re school district property*

*17371 Limitation on liability of governing board*

GOVERNMENT CODE

*4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms*

*14837 Definition of small business*

*87100 Public officials; financial interest*

PUBLIC CONTRACT CODE

*20111 School district contracts*

**CHARTER SCHOOL FACILITIES**

The Board of Education believes that all students, including those attending charter schools, should have access to adequate facilities that are safe and support student learning.

Facilities to be used by a charter school shall be specified in the school's charter pursuant to Education Code 47605 and also may be addressed in a written memorandum of understanding between the district and charter school.

As applicable, charter school facilities shall comply with the California Building Standards Code adopted by the local building enforcement agency pursuant to 24 CCR 101 et seq. or the Field Act pursuant to Education Code 17280-17317 and 17365-17374. (Education Code 47610, 47610.5)

Upon request, the Board shall make facilities available to an eligible charter school operating in the district, as defined in law and administrative regulation. In accordance with law, such facilities shall be contiguous, furnished, equipped, and sufficient to accommodate all the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other district schools. The Board shall make reasonable efforts to provide the charter school with facilities near where the charter school wishes to locate and shall not move the charter school unnecessarily. If the district's preliminary proposal or final notification of space does not accommodate the charter school at a single school site, the Board shall make a specific finding that the charter school could not be accommodated at a single site and shall adopt a written statement of reasons explaining the finding. (Education Code 47614; 5 CCR 11969.1-11969.10)

The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools. (Education Code 47614)

The Superintendent or designee may assist eligible charter schools in applying for state facilities funding for new construction or rehabilitation of facilities pursuant to Education Code 17078.52-17078.66 and/or for rent and lease expenditures pursuant to Education Code 47614.5.

*Legal Reference: (see next page)*

## CHARTER SCHOOL FACILITIES (continued)

### *Legal Reference:*

#### EDUCATION CODE

17070.10-17080 *Leroy F. Greene School Facilities Act of 1998, including:*

17078.52-17078.66 *Charter schools facility funding; state bond proceeds*

17280-17317 *Field Act*

46600 *Interdistrict attendance agreements*

47600-47616.5 *Charter Schools Act*

48204 *Residency requirements for school attendance*

#### GOVERNMENT CODE

53094 *Authority to render zoning ordinance inapplicable*

53097.3 *Charter school ordinances*

#### CODE OF REGULATIONS, TITLE 2

1859.2 *Definitions*

1859.31 *Classroom inventory*

1859.160-1859.172 *Charter school facilities program, new construction*

#### CODE OF REGULATIONS, TITLE 5

11969.1-11969.10 *Charter school facilities*

#### COURT DECISIONS

*Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4th 1022*

*Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986*

*Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185*

#### ATTORNEY GENERAL OPINIONS

80 *Ops.Cal.Atty.Gen. 52 (1997)*

### *Management Resources:*

#### CSBA PUBLICATIONS

*The Role of the Charter School Authorizer, Online Course*

*Charter Schools: A Manual for Governance Teams, rev. 2009*

*Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005*

#### OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

*School Facility Program Handbook, May 2008*

#### WEB SITES

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

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

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

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

**DEVELOPER FEES**

In order to finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Board of Education may establish, levy and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law and administrative regulation.

**Appeals Process for Protests by Developers**

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)

*Legal Reference:*

EDUCATION CODE

17070.10-17077.10 *Leroy F. Greene School Facilities Act of 1998*

17582 *District deferred maintenance fund*

17620-17626 *Levies against development projects by school districts*

GOVERNMENT CODE

6061 *One time notice*

6066 *Two weeks' notice*

65352.2 *Level 2 funding notification requirement*

65864-65869.5 *Development agreements*

65995-65998 *Payment of fees against a development project*

66000-66008 *Fees for development projects*

66016-66018.5 *Development project fees*

66020-66025 *Protests and audits*

CODE OF REGULATIONS, TITLE 2

1859-1859.106 *School facility program*

COURT DECISIONS

*Dolan v. City of Tigard* (1994) 114 S.Ct. 2309

*Management Resources:*

WEB SITES

*Department of General Services, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>*

**GENERAL OBLIGATION BONDS**

Note: Article 16, Section 18 of the California Constitution permits school districts to issue bonds for the construction of school facilities with either a 66.67 percent or 55 percent approval by local voters. To qualify for the lower 55 percent (Proposition 39) threshold, districts must use the bond funds for more limited purposes and fulfill additional accountability requirements, as specified in this Board policy and accompanying administrative regulation.

Education Code 15100 sets forth conditions under which the Board of Education may call for a bond election. Pursuant to Education Code 15266, these conditions must be satisfied if the Board is seeking either the 66.67 percent or 55 percent approval threshold. The following paragraph is consistent with Education Code 15100.

In 88 Ops.Cal.Atty.Gen. 46 (2005), the Attorney General opined that a school district may use district funds to hire a consultant to assess the feasibility of developing a bond measure and to assess the public's support and opposition. However, according to the Attorney General, a district may not use district funds to hire a consultant to develop and implement a strategy to build a coalition to support the bond because such activities would be an impermissible use of public funds for campaign purposes in violation of Education Code 7054. For further discussion regarding use of district funds for political purposes, see BP 1160 - Political Processes.

The Board of Education recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

*(cf. 1160 - Political Processes)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7210 - Facilities Financing)*

Note: For bonds requiring a 55 percent majority, Education Code 15268 and 15270 set limits as to the maximum amount of the bond and the tax rate that may be levied as a result of the bond. Limitations for bonds requiring a 66.67 percent majority are detailed in Education Code 15102-15109.

The Board shall determine the appropriate amount of the bonds in accordance with law.

Note: Education Code 15122.5 requires the inclusion of the statement specified in the following paragraph in the ballot for a bond measure, when any of the projects to be funded by the bond will require state matching funds.

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

## GENERAL OBLIGATION BONDS (continued)

### Bonds Requiring 55 Percent Approval by Local Voters

Note: Pursuant to Education Code 15266, upon adoption of the resolution specified below, the district must comply with the accountability provisions required for the 55 percent threshold, even if the bond ultimately passes by a 66.67 percent majority of the voters.

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

*(cf. 9323.2 - Actions by the Board)*

Note: Education Code 15266 requires that the bond election be held only during a regularly scheduled local election at which all of the electors (voters) in the district are entitled to vote. Therefore, those school districts whose boundaries encompass more than one city or county or whose board members are elected by trustee area must ensure that the bond election is on a ballot in which all of the electors in the district are entitled to vote, such as a statewide primary, general, or special election.

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the school district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 6151 - Class Size)*

**GENERAL OBLIGATION BONDS** (continued)

Note: The question of whether or not bond proceeds may be used to pay the costs of the audits required pursuant to items #3-4 below should be referred to the district's legal counsel. However, an Attorney General opinion (87 Ops.Cal.Atty.Gen. 157 (2004)) supports the use of bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on bond projects. According to the opinion, because these audits are expressly required by Proposition 39 and are directly related to the bond projects rather than routine school operations, these project administration costs may be considered as coming within the purposes specified in California Constitution Article 13A, Section 1(b)(3)(A) and therefore are an appropriate expenditure of bond proceeds.

The performance audit described in item #3 may include an evaluation of the planning, financing, and implementation of the overall facilities program. To assist districts with this requirement, CSBA provides a Proposition 39 Bond Performance Audits service; see CSBA's web site for further information.

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

Note: If the district has a general obligation bond approved under the 55 percent threshold, Education Code 15278 requires that the Board appoint a citizens' oversight committee. See the accompanying administrative regulation for requirements related to the composition and duties of the committee.

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9324 - Minutes and Recordings)*

The Superintendent or designee shall ensure that the annual, independent performance and financial audits conducted pursuant to items #3 and #4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards. He/she shall submit the audits to the citizens' oversight committee by March 31 of each year. (Education Code 15286)

**Bonds Requiring 66.67 Percent Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

**GENERAL OBLIGATION BONDS** (continued)

Note: Pursuant to Education Code 15101, an election for a bond measure that requires 66.67 percent approval may be held only on specified days. Districts using this option should coordinate efforts with their local elections officials to ensure compliance with law.

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

Note: The following paragraph is **optional**. Districts that have had approval of a bond with 66.67 percent majority vote are not required by law to appoint a citizens' oversight committee but may, at their discretion, form an oversight committee under requirements and guidelines adopted by the Board.



**GENERAL OBLIGATION BONDS** (continued)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

**Certificate of Results**

Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Elections Code 15372, following a bond election, the county elections official must submit a certificate of the election results to the Board, which then must provide certification to the County Board of Supervisors, as specified below.

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

**Resolutions Regarding Sale of Bonds**

Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Education Code 15140, bonds may be offered for sale by either the County Board of Supervisors or the County Superintendent of Schools. However, the County Board of Supervisors may adopt a resolution authorizing a district to sell bonds on its own behalf when the district has not received a qualified or negative certification in its most recent interim financial report; see BP/AR 3460 - Financial Reports and Accountability.

In addition to districts' authority to issue bonds pursuant to Education Code 15100-15254, Government Code 53506-53509 provide them with an alternative method. However, the requirements under this alternative method are different from those applicable under Education Code 15100. Under the alternative method, (1) the Board can offer the bonds for sale directly without going through the County Board of Supervisors or County Superintendent of Schools; (2) the maturity date of the bond is up to 40 years, contrary to Education Code 15144 which limits the maturity to 25 years; and (3) the maximum interest rate allowed is 12 percent, contrary to the maximum rate of 8 percent set by Education Code 15143. Districts using the alternative method may need to further modify this policy and accompanying administrative regulation and should consult with legal counsel as necessary.

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. However, if the Board elects to issue the bonds pursuant to Government Code 53508, the maximum acceptable interest rate shall not exceed 12 percent and the time(s) when the whole or any part of the principal shall be payable shall not be more than 40 years. (Education Code 15140; Government Code 53508)

**GENERAL OBLIGATION BONDS** (continued)

Note: Boards should be aware of their responsibility to be good stewards of district resources and should take steps to ensure prudence in the expenditure of those resources. Thus, the Board should carefully compare all available funding instruments, such as current interest bonds, capital appreciation bonds, and convertible capital appreciation bonds, and whether the bonds will be sold by competitive or negotiated sale, when determining the method by which approved bonds will be funded. Pursuant to Education Code 15146, the Board's comparison should include the suitability of each option for the project to be financed; the projected interest rates, debt service ratios, and other costs associated with each option; prepayment and repayment terms; and other relevant factors. Districts deciding on a method of bond sale and kinds of bonds to sell are encouraged to review CSBA's Governance Brief Bond Sales - Questions and Considerations for Districts.

Prior to the sale of bonds, the Board shall disclose, as an agenda item at a public meeting, either in the bond issuance resolution or a separate resolution, all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146; Government Code 53509.5)

**Bond Anticipation Notes**

Note: The following **optional** section applies to bonds required to be passed by both 55 percent and 66.67 percent of local voters and may be revised to reflect district practice. Pursuant to Education Code 15150, a district is authorized to issue a bond anticipation note, when the Board determines by resolution that it is in the best interest of the district, to finance a facilities project on an interim basis in anticipation of the sale of bonds that has been approved by voters. The note may only be issued in accordance with law and subject to terms and conditions prescribed by the Board.

**GENERAL OBLIGATION BONDS** (continued)

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Note: Education Code 15150, as amended by AB 794 (Ch. 715, Statutes of 2012), clarifies that interest on a bond anticipation note may be paid at maturity from the proceeds of the sale of the bond in anticipation of which it was issued or paid periodically from a property tax levied for that purpose if certain conditions are satisfied.

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

Note: Pursuant to Education Code 15268 and 15270, the bond anticipation notes may only be issued if the tax rate levied to pay interest on the notes periodically would not cause the district to exceed \$30 per \$100,000 of assessed value of property for an elementary or high school district and \$60 per \$100,000 of assessed value of property for a unified district. The district may revise the following paragraph to reflect the applicable tax rate limitation.

The notes may be issued only if the tax rate levied to pay interest on the notes periodically would not cause the district to exceed the tax rate limitations set forth in Education Code 15268 or 15270, as applicable.

*Legal Reference continued: (see next page)*

**GENERAL OBLIGATION BONDS (continued)**

*Legal Reference:*

EDUCATION CODE

7054 *Use of district property, campaign purposes*

15100-15254 *Bonds for school districts and community college districts*

15264-15288 *Strict Accountability in Local School Construction Bonds Act of 2000*

17577 *Sewers and drains*

17584.1 *Deferred maintenance, reports*

47614 *Charter school facilities*

ELECTIONS CODE

324 *General election*

328 *Local election*

341 *Primary election*

348 *Regular election*

356 *Special election*

357 *Statewide election*

1302 *School district election*

15372 *Elections official certificate*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

8855 *California Debt and Investment Advisory Commission*

53506-53509.5 *General obligation bonds*

53580-53595.5 *Bonds*

54952 *Definition of legislative body, Brown Act*

CALIFORNIA CONSTITUTION

Article 13A, Section 1 *Tax limitation*

Article 16, Section 18 *Debt limit*

COURT DECISIONS

*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356*

ATTORNEY GENERAL OPINIONS

88 *Ops.Cal.Atty.Gen. 46 (2005)*

87 *Ops.Cal.Atty.Gen. 157 (2004)*

*Management Resources:*

CSBA PUBLICATIONS

*Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012*

*Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011*

WEB SITES

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

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

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

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

**ROLE OF THE BOARD**

The Board of Education has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement
2. Establishing an effective and efficient organizational structure for the district by:
  - a. Employing the Superintendent and setting policy for hiring of other personnel
  - b. Overseeing the development and adoption of policies
  - c. Establishing academic expectations and adopting the curriculum and instructional materials
  - d. Establishing budget priorities and adopting the budget
  - e. Providing safe, adequate facilities that support the district's instructional program
  - f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements
3. Providing support to the Superintendent and staff as they carry out the Board's direction by:
  - a. Establishing and adhering to standards of responsible governance
  - b. Making decisions and providing resources that support district priorities and goals
  - c. Upholding Board policies
  - d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons
4. Ensuring accountability to the public for the performance of the district's schools by:
  - a. Evaluating the Superintendent and setting policy for the evaluation of other personnel

**ROLE OF THE BOARD** (continued)

- b. Monitoring and evaluating the effectiveness of policies
  - c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements
  - d. Monitoring student achievement and program effectiveness and requiring program changes as necessary
  - e. Monitoring and adjusting district finances
  - f. Monitoring the collective bargaining process
5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

*Legal Reference:*

EDUCATION CODE

5304 Duties of governing board (re school district elections)  
12400-12405 Authority to participate in federal programs  
17565-17592 Board duties re property maintenance and control  
33319.5 Implementation of authority of local agencies  
35000 District name  
35010 Control of district; prescription and enforcement of rules  
35020-35046 Officers and agents  
35100-35351 Governing boards, especially:  
35160-35185 Powers and duties  
35291 Rules

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance  
Professional Governance Standards, November 2000  
School Board Leadership: The Role and Function of California's School Boards, 1996  
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS  
The Key Work of School Boards, 2000

WEB SITES

CSBA: <http://www.csba.org>  
CSBA Governance Institute: <http://www.csba.org/gi>  
National School Boards Association: <http://www.nsba.org>

**GOVERNANCE STANDARDS**

The Board of Education believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
2. Communicate a common vision
3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures

**GOVERNANCE STANDARDS** (continued)

6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

*Legal Reference:*

EDUCATION CODE

35010 *Power of governing board to adopt rules for its own governance*

35160 *Board authority to act in any manner not conflicting with law*

35164 *Actions by majority vote*

GOVERNMENT CODE

1090 *Financial interest in contract*

1098 *Disclosure of confidential information*

1125-1129 *Incompatible activities*

54950-54963 *The Ralph M. Brown Act*

87300-87313 *Conflict of interest code*

*Management Resources:*

CSBA PUBLICATIONS

*CSBA Professional Governance Standards, 2000*

*Maximizing School Board Leadership: Boardmanship, 1996*

WEB SITES

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



**PUBLIC STATEMENTS**

The Board of Education recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.

When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

*Legal Reference:*

*EDUCATION CODE*

*35010 Control of district; prescription and enforcement of rules*

*GOVERNMENT CODE*

*54960 Actions to stop or prevent violation of meeting provisions*

**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

The Board of Education recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

**Disclosure of Closed Session Information**

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

*Confidential information* means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

**Other Disclosures**

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION** (continued)

*Legal Reference:*

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 231 (1997)

*Management Resources:*

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

**BOARD MEMBER ELECTRONIC COMMUNICATIONS**

The Board of Education recognizes that electronic communication among Board members and between Board members, district administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the district and its schools. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting.

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

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the press shall be forwarded to the designated district spokesperson.

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.

Board members may use electronic communications to discuss matters other than district business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning district business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

*Legal Reference: (see next page)*

**BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)**

*Legal Reference:*

EDUCATION CODE

35140 *Time and place of meetings*

35145 *Public meetings*

35145.5 *Agenda; public participation; regulations*

35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

11135 *State programs and activities, discrimination*

54950-54963 *The Ralph M. Brown Act, especially:*

54952.2 *Meeting, defined*

54953 *Meetings to be open and public; attendance*

54954.2 *Agenda posting requirements, board actions*

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, rev. 2006*

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies, 2003*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007*

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

**TERMS OF OFFICE**

The Board of Education shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

*Legal Reference:*

EDUCATION CODE

*5000-5033 Election of school district board members*

*35010 Control of district*

*35012 Board members; number, election and terms*

*35107 Eligibility*

GOVERNMENT CODE

*1302 Continuance in office until qualification of successor*

*1303 Exercising functions of office without having qualified*

*1360 Necessity of taking constitutional oath*

**PRESIDENT**

The Board of Education shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

The president shall preside at all Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on issues of parliamentary procedure
8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board
2. Consulting with the Superintendent or designee on the preparation of the Board's agendas
3. Working with the Superintendent to ensure that Board members have necessary materials and information
4. Subject to Board approval, appointing and dissolving all committees
5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law
6. Representing the district as governance spokesperson, in conjunction with the Superintendent

**PRESIDENT** (continued)

The president shall have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.

When the president resigns or is absent or disabled, the vice president shall perform the president's duties. When both the president and vice president are absent or disabled, the clerk shall perform the president's duties.

*Legal Reference:*

EDUCATION CODE

35022 *President of the board*

35143 *Annual organizational meetings; dates and notice*

GOVERNMENT CODE

54950-54963 *Ralph M. Brown Act*

*Management Resources:*

CSBA PUBLICATIONS

*Board Presidents' Handbook, revised 2002*

*CSBA Professional Governance Standards, 2000*

*Maximizing School Board Leadership: Boardmanship, 1996*

WEB SITES

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



**VICE PRESIDENT**

It shall be the duty of the Vice President to preside at all meetings of the Board of Education when the President is absent and assume all appropriate rights and responsibilities. The Vice President shall be responsible for performing all other duties prescribed by the Board.

*Legal References:*

EDUCATION CODE

35143 *Annual organizational meetings dates and notice*

35144 *Special meetings*

**SECRETARY**

The Board of Education shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute and maintain the Board agenda
2. Record, distribute and maintain the Board minutes
3. Maintain Board records and documents
4. Conduct official correspondence for the Board
5. As directed by the Board, sign and execute official papers
6. Perform other duties as assigned by the Board

*Legal Reference:*

EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

*Management Resources:*

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

**CLERK**

The Board of Education shall elect a clerk from its own membership at the annual organizational meeting. (Education Code 35143)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the district as directed by the Board
4. Serve as presiding officer in the absence of the president and vice president
5. Notify Board members and members-elect of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

*Legal Reference:*

EDUCATION CODE

- 17593 Repair and supervision of property (duty of district clerk)*
- 35038 Appointment of clerk by county superintendent of schools*
- 35039 Dismissal of clerk*
- 35121 Appointment of clerk in certain city and high school districts*
- 35143 Annual organizational meetings*
- 35250 Duty to keep certain records and reports*
- 38113 Duty of clerk (re provision of school supplies)*

GOVERNMENT CODE

- 54950-54963 Ralph M. Brown Act*

*Management Resources:*

CSBA PUBLICATIONS

- CSBA Professional Governance Standards, 2000*
- Maximizing School Board Leadership: Boardmanship, 1996*

WEB SITES

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

**ATTORNEY**

The Board of Education recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

**Duties of Legal Counsel**

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

**Retaining Legal Counsel**

The Board may contract for the services of an attorney in private practice to provide services not available through the County Counsel or as determined by the Board.

**Contacting Legal Counsel**

At his/her discretion, the Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

*Legal Reference: (see next page)*

**ATTORNEY** (continued)

*Legal Reference:*

EDUCATION CODE

35041 *Administrative adviser*

35041.5 *Legal counsel*

35161 *Powers and duties of governing board*

35200-35214 *Liabilities, especially:*

35204 *Contract with attorney in private practice*

35205 *Contract for legal services*

GOVERNMENT CODE

814-895.8 *Liability of public entities and public employees*

995-996.6 *Defense of public employees*

26520 *Legal services to school districts*

53060 *Special services and advice*

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, rev. 2007*

*Maximizing School Board Leadership: Boardmanship, 1996*

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

*Selecting and Working with a School Attorney: A Guide for School Boards, 1997*

WEB SITES

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

California Council of School Attorneys:

<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx>

National School Boards Association: <http://www.nsba.org>

State Bar of California: <http://www.calbar.ca.gov>

**LIMITS OF BOARD MEMBER AUTHORITY**

The Board of Education recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

*Legal Reference: (see next page)*

**LIMITS OF BOARD MEMBER AUTHORITY (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

7054 *Use of district property*

35010 *Control of district; prescription and enforcement of rules*

35100-35351 *Governing boards, especially:*

35160-35184 *Powers and duties*

35291 *Rules*

35292 *Visits to schools (Board members)*

51101 *Rights of parents/guardians*

GOVERNMENT CODE

54950-54962 *The Ralph M. Brown Act, especially:*

54952.1 *Member of a legislative body of a local agency*

54952.7 *Copies of chapter to members of legislative body*

*Management Resources:*

CSBA PUBLICATIONS

*CSBA Professional Governance Standards, 2000*

*Maximizing School Board Leadership: Boardsmanship, 1996*

WEB SITES

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

**RESIGNATION**

A Board of Education member who wishes to resign may do so by filing a written resignation with the County Superintendent of Schools. (Education Code 5090)

A copy shall be given to the Board secretary.

The written resignation is effective when filed, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable upon being filed. (Education Code 5090)

Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation. (Education Code 35178)

*Legal Reference:*

EDUCATION CODE

5090 *Definition (vacancy)*

5091 *Special Election*

35178 *Resignation with deferred effective date*



**FILLING VACANCIES**

**Events Causing a Vacancy**

A vacancy on the Board of Education may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- a. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

**FILLING VACANCIES** (continued)

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

## **FILLING VACANCIES** (continued)

### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

### **Eligibility**

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

### **Provisional Appointments**

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment

**FILLING VACANCIES** (continued)

4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

**Appointment Due to Failure to Elect**

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

*Legal Reference: (see next page)*

**FILLING VACANCIES** (continued)

*Legal Reference:*

EDUCATION CODE

5000-5033 *Elections*

5090-5095 *Vacancies*

5200-5208 *Districts governed by boards of education*

5300-5304 *Elections*

5320-5329 *Order and call of election*

5340-5345 *Consolidation of elections*

5360-5363 *Election notice*

5420-5426 *Cost of elections*

5440-5442 *Miscellaneous provisions, elections*

35107 *Eligibility of board members*

35178 *Resignation with deferred effective date*

ELECTIONS CODE

10600-10604 *School district elections*

11381-11386 *Candidates for recall*

GOVERNMENT CODE

1064 *Absence from state*

1770 *Vacancies: definition*

3000-3003 *Forfeiture of office*

3060-3075 *Removal other than by impeachment*

6061 *One time notice*

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

88 *Bribery, forfeiture from office*

UNITED STATES CODE, TITLE 18

704 *Military medals or decorations*

ATTORNEY GENERAL OPINIONS

58 *Ops.Cal.Atty.Gen.* 888 (1975)

*Management Resources:*

CSBA PUBLICATIONS

*Filling a Board Vacancy*, rev. December 2010

WEB SITES

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

California State Attorney General's Office, *Quo Warranto Applications*:

[http://ag.ca.gov/opinions/quo\\_warranto.php](http://ag.ca.gov/opinions/quo_warranto.php)

**OATH OR AFFIRMATION**

Prior to entering upon the duties of their office, all Board of Education members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

The oath may be administered and certified by a Board member, secretary or assistant secretary to the Board, Superintendent, deputy or assistant superintendent, principal, or County Superintendent of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

*Legal Reference:*

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

**ORIENTATION**

**Board Candidate Orientation**

The Board of Education desires to provide Board candidates with orientation that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to district staff and information.

**New Board Member Orientation**

The Board may convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming Board members shall receive the district's policy manual and other materials related to the district and Board member responsibilities.

The Superintendent may provide incoming Board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district. Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the district.

*Legal Reference: (see next page)*

**ORIENTATION** (continued)

*Legal Reference:*

EDUCATION CODE

33360 *Department of Education and statewide association of school district boards; annual workshops*

33362-33363 *Reimbursement of expenses; board member or member-elect*

ELECTIONS CODE

13307 *Candidate's statement*

20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*

54952.1 *Member of a legislative body*

54952.7 *Copies of Brown Act to board members*

*Management Resources:*

CSBA PUBLICATIONS

*School Board Leadership, 2007*

*The Brown Act: School Boards and Open Meeting Laws, rev. 2007*

*Guide to Effective Meetings, 2007*

*Professional Governance Standards, 2000*

*Maximizing School Board Leadership, 1996*

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

*Becoming a Better Board Member: A Guide to Effective School Board Service, 2006*

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

National School Boards Association: <http://www.nsba.org>



**COMPENSATION**

It shall be the policy of the Board of Education of the district to compensate each member of the Board for attendance at any legally called meeting in accordance with provisions of the Education Code.

Each member who attends all meetings of the Board may receive as compensation for services a sum equal to the maximum level of compensation allowed by the law which is determined by the district's average daily attendance for the prior year.

Any member who does not attend all meetings held in any month may receive, as compensation for his/her services, an amount not greater than the maximum amount allowed divided by the number of meetings held and multiplied by the number of meetings actually attended.

A member may be paid for any meeting when absent if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the meeting he/she is performing services outside the meeting for the school district; he/she is ill or on jury duty, or the absence was due to a hardship deemed acceptable to the Board.

In the event a member of the Board does not wish to receive compensation for the meetings, the member shall annually sign a waiver of payment.

Also, a member of the Board may receive compensation for his/her services in the following manner:

Board members who so elect may receive such health and welfare benefits as are extended to school district employees and the cost of such insurance shall be borne by the district.

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS** (continued)

*Legal Reference:*

EDUCATION CODE

1090 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 Reimbursement of expenses (Department of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County,

(1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 124 (2000)

*Management Resources:*

WEB SITES

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

**CONFLICT OF INTEREST**

The Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

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

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

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

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

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

**CONFLICT OF INTEREST** (continued)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

**Conflict of Interest under Government Code 1090**

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

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

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

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

## **CONFLICT OF INTEREST (continued)**

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

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

### **Rule of Necessity or Legally Required Participation**

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

### **Incompatible Offices and Activities**

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

### **Gifts**

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

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

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

### **Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

**CONFLICT OF INTEREST** (continued)

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

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

*Legal Reference:*

EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices, especially:*

35233 *Prohibitions applicable to members of governing boards*

41000-41003 *Moneys received by school districts*

FAMILY CODE

297.5 *Rights, protections, and benefits of registered domestic partners*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

91000-91014 *Enforcement*

PENAL CODE

85-88 *Bribes*

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18702.5 *Public identification of a conflict of interest for Section 87200 filers*

COURT DECISIONS

*Klistoff v. Superior Court*, (2007) 157 Cal.App.4th 469

*Thorpe v. Long Beach Community College District*, (2000) 83 Cal.App.4th 655

*Kunec v. Brea Redevelopment Agency*, (1997) 55 Cal.App.4th 511

*Legal References continued: (see next page)*

**CONFLICT OF INTEREST (continued)**

*Legal Reference: (continued)*

ATTORNEY GENERAL OPINIONS

- 92 Ops.Cal.Atty.Gen. 26 (2009)
- 92 Ops.Cal.Atty.Gen. 19 (2009)
- 89 Ops.Cal.Atty.Gen. 217 (2006)
- 86 Ops.Cal.Atty.Gen. 138(2003)
- 85 Ops.Cal.Atty.Gen. 60 (2002)
- 82 Ops.Cal.Atty.Gen. 83 (1999)
- 81 Ops.Cal.Atty.Gen. 327 (1998)
- 80 Ops.Cal.Atty.Gen. 320 (1997)
- 69 Ops.Cal.Atty.Gen. 255 (1986)
- 68 Ops.Cal.Atty.Gen. 171 (1985)
- 65 Ops.Cal.Atty.Gen. 606 (1982)
- 63 Ops.Cal.Atty.Gen. 868 (1980)

*Management Resources:*

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Board of Education Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

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

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

**BOARD POLICIES**

The Board of Education shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

**Policy Development and Adoption Process**

The district's policy development process shall include the following basic steps:

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district or a recommendation or request from staff or other interested persons.
2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.
3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.
4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.
5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.



## **BOARD POLICIES** (continued)

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

### **Board Bylaws**

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

### **Administrative Regulations**

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

### **Monitoring and Evaluation**

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

## **BOARD POLICIES** (continued)

### **Access to Policies**

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. A public copy of the policy manual shall be maintained at the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

### **Suspension of Policies**

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

#### *Legal Reference:*

##### EDUCATION CODE

*35010 Control of district; prescription and enforcement of rules*

*35160 Authority of governing boards*

*35160.5 Annual review of school district policies*

*35163 Official actions, minutes and journal*

*35164 Vote requirements*

#### *Management Resources:*

##### CSBA PUBLICATIONS

*Targeting Student Learning: The School Board's Role as Policymaker, 2005*

*Maximizing School Board Leadership: Policy, 1996*

##### WEB SITES

*CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online™), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>*

*National School Boards Association: <http://www.nsba.org>*

**MEETINGS AND NOTICES**

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

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

**Regular Meetings**

The Board shall establish the date, time, and location of regular meetings at its annual organizational meeting held each December. Subsequent changes to the schedule of regular meetings shall be accomplished by Board action and shall be publicized five days in advance of the original date or the new date, whichever occurs first. The five day notice is waived if the Board declares that an emergency exists.

The schedule of board meeting dates will be included as an action item in the Board book for each Board meeting.

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

**MEETINGS AND NOTICES** (continued)

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

**Special Meetings**

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

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

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

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

**Emergency Meetings**

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

## **MEETINGS AND NOTICES** (continued)

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

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

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

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

### **Adjourned/Continued Meetings**

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

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

## **MEETINGS AND NOTICES** (continued)

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

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

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

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

### **Other Gatherings**

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

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

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

## **MEETINGS AND NOTICES** (continued)

### **Location of Meetings**

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

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

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

**MEETINGS AND NOTICES** (continued)

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

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

**Teleconferencing**

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

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

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

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

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

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

*Legal Reference: (see next page)*



## MEETINGS AND NOTICES (continued)

### Legal Reference:

#### EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

#### GOVERNMENT CODE

- 3511.1 Local agency executives
- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
- 54953 Meetings to be open and public; attendance
- 54954 Time and place of regular meetings
- 54954.2 Agenda posting requirements, board actions
- 54956 Special meetings; call; notice
- 54956.5 Emergency meetings

#### UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

#### CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications
- 36.303 Auxiliary aids and services

#### COURT DECISIONS

- Wolfe v. City of Fremont*, (2006) 144 Cal.App. 544

#### ATTORNEY GENERAL OPINIONS

- 88 *Ops.Cal.Atty.Gen.* 218 (2005)
- 84 *Ops.Cal.Atty.Gen.* 181 (2001)
- 84 *Ops.Cal.Atty.Gen.* 30 (2001)
- 79 *Ops.Cal.Atty.Gen.* 69 (1996)
- 78 *Ops.Cal.Atty.Gen.* 327 (1995)

### Management Resources:

#### CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws*, rev. 2009

#### INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

*The ABCs of Open Government Laws*

#### LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*Open and Public IV: A Guide to the Ralph M. Brown Act*, 2<sup>nd</sup> Ed., 2010

#### WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

**CLOSED SESSION PURPOSES AND AGENDAS**

The Board of Education is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

**Personnel Matters**

The Board may hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

**Negotiations/Collective Bargaining**

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

**Matters Related to Students**

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

**Security Matters**

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

**Conference with Real Property Negotiator**

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

**Pending Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

*Existing facts and circumstances* for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
  - b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
  - c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
  - d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
  - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

**Joint Powers Agency Issues**

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

**Review of Audit Report from Bureau of State Audits**

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

**Review of Assessment Instruments**

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

*Legal Reference: (see next page)*



**CLOSED SESSION PURPOSES AND AGENDAS (continued)**

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student suspension)*

44929.21 *Districts with ADA of 250 or more*

48912 *Governing board suspension*

48918 *Rules governing expulsion procedures; hearings and notice*

49070 *Challenging content of students records*

60617 *Meetings of governing board*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

6252-6270 *California Public Records Act*

54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

*Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860*

*Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672*

*Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87*

*Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876*

*Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363*

*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41*

ATTORNEY GENERAL OPINIONS

94 *Ops.Cal.Atty.Gen.* 82 (2011)

86 *Ops.Cal.Atty.Gen.* 210 (2003)

78 *Ops.Cal.Atty.Gen.* 218 (1995)

59 *Ops.Cal.Atty.Gen.* 532 (1976)

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, 2009*

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies, 2002*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010*

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

**CLOSED SESSION ACTIONS AND REPORTS**

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

The Board of Education shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

**Personnel Matters**

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

**Negotiation/Collective Bargaining**

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

**Student Matters**

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232)

**Real Estate Negotiations**

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

## **CLOSED SESSION ACTIONS AND REPORTS (continued)**

### **Pending Litigation**

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

### **JPA/Self-Insurance Claims**

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

### **Review of Assessment Instruments**

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

**CLOSED SESSION ACTIONS AND REPORTS (continued)**

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student matters)*

48918 *Rules governing expulsion procedures; hearings and notice*

49073-49079 *Privacy of student records*

60617 *Meetings of governing board*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*

54957.1 *Closed sessions; public report of action taken*

54957.6 *Closed sessions; representatives to employee organization(s)*

54957.7 *Disclosure of items to be discussed*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy*

COURT DECISIONS

*Kleitman v. Superior Court of Santa Clara County* 87 Cal Rptr. 2d (1999)

ATTORNEY GENERAL OPINIONS

80 *Ops.Cal.Atty.Gen.* 85 (1997)

**ACTIONS BY THE BOARD**

The Board of Education shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

*(cf. 9012 - Board Member Electronic Communications)*

*(cf. 9200 - Limits of Board Member Authority)*

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

*(cf. 9324 - Minutes and Recordings)*

**Action on Non-Agenda Items**

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

**ACTIONS BY THE BOARD** (continued)

**Challenging Board Actions**

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.

**ACTIONS BY THE BOARD** (continued)

3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

*Legal Reference:*

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582-17583 District deferred maintenance fund

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue

1245.240 Eminent domain vote requirements

1245.245 Eminent domain, resolution adopting different use

*Legal Reference continued: (see next page)*

**ACTIONS BY THE BOARD** (continued)

*Legal Reference: (continued)*

GOVERNMENT CODE

53090-53097.5 *Regulation of local agencies by counties and cities*

53724 *Parcel tax resolution requirements*

53790-53792 *Exceeding the budget*

53820-53833 *Temporary borrowing*

53850-53858 *Temporary borrowing*

54950-54963 *The Ralph M. Brown Act, especially:*

54952.6 *Action taken, definition*

54953 *Meetings to be open and public; attendance; secret ballots*

54960-54960.5 *Actions to prevent violations*

65352.2 *Coordination with planning agency*

PUBLIC CONTRACT CODE

3400 *Bid specifications*

20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*

20113 *Emergencies, award of contracts without bids*

COURT DECISIONS

*Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313*

*McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310*

*Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672*

*Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109*

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, 2009*

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Local Legislative Bodies, 2003*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*Open and Public IV: A Guide to the Ralph M. Brown Act, 2007*

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>



**ACTIONS BY THE BOARD**

**UNCONDITIONAL COMMITMENT LETTER**

To: *(Name of district attorney or any interested person)*

The Board of Education of *(Bellflower Unified School District)* has received your cease and desist letter dated *(date)* alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: *(Describe alleged past action as set forth in the cease and desist letter.)*

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

*(Name)*

*(Title of Board President or other designee)*

**MINUTES AND RECORDINGS**

The Board of Education recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law.

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

**Recording or Broadcasting of Meetings**

The district may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

## **MINUTES AND RECORDINGS (continued)**

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5)

### *Legal Reference:*

#### EDUCATION CODE

35145 *Public meetings*

35163 *Official actions, minutes and journals*

35164 *Vote requirements*

#### GOVERNMENT CODE

54952.2 *Meeting defined*

54953.5 *Audio or video recording of proceedings*

54953.6 *Broadcasting of proceedings*

54957.2 *Closed sessions; clerk; minute book*

54960 *Violations and remedies*

#### PENAL CODE

632 *Unlawful to intentionally record a confidential communication without consent*

#### CODE OF REGULATIONS, TITLE 5

16020-16027 *Classification and retention of records*

### *Management Resources:*

#### CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, rev. 2007*

*Guide to Effective Meetings, rev. 2007*

*Maximizing School Board Leadership: Boardmanship, 1996*

#### WEB SITES

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