

# RIVER DELTA UNIFIED SCHOOL DISTRICT

## Notice of a Regular Meeting of the Board of Trustees

By Order of the President of the Board of Trustees, this is a Call for the Regular Meeting of the Board of Trustees of the River Delta Unified School District to be held:

**October 8, 2019**

### **Bates Elementary School ♦ 180 Primasing, Courtland, CA**

*A copy of the full agenda (with backup documents but without confidential closed session items) is available for public review at the District Office, 445 Montezuma St., Rio Vista, California, at least 72 hours prior to the announced meeting of the Board of Trustees or online at <http://riverdelta.org> under the heading: Board of Trustees*

#### **REGULAR MEETING AGENDA**

1. Call the Open Session to Order (@ 5:30 p.m.)
2. Roll Call
3. Review Closed Session Agenda (see attached agenda)
  - 3.1 Announce Closed Session Agenda
  - 3.2 Public Comment on Closed Session Agenda Items Only
4. Approve Closed Session Agenda and Adjourn to the **Closed Session** (@5:35 p.m.)

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Time: \_\_\_\_\_
5. Reconvene to Open Session (@ approx. 6:30 p.m.) Time: \_\_\_\_\_
  - 5.1 Retake Roll Call  
Member Fernandez \_\_\_\_; Member Olson \_\_\_\_; Member Riley \_\_\_\_;  
Member Stone \_\_\_\_; Member Elliott \_\_\_\_; Member Casillas \_\_\_\_; Member Mahoney \_\_\_\_
  - 5.2 Pledge of Allegiance
6. Report of Action taken, if any, during the Closed Session (Government Code Section 54957.1) – Board President Fernandez
7. Review and Approve the **Open Session** Agenda  

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_
8. Public Comment: **Anyone may address the Board at this time regarding any subject that is within the Board's subject-matter jurisdiction which is not on this night's agenda** [Government Code Section 54954.3 and Education Code Sections 35145.5 and 72121.5]. **However, please hold your comments on a specific item listed until it is brought up for discussion.** To address the Board, raise your hand and when you have been called on, please step up to the podium and state your name. **However, understand the Board may not take action on any item which is not listed on this agenda** (except as authorized by Government Code Section 54954.2). (BB9323) **Individual speakers shall be allowed three minutes to address the Board on any non-agendized item. The Board shall limit the total time for public presentation and input on all items to a maximum of 20 minutes.** With Board consent, the Board President may increase or decrease the time allowed for public comment, depending on the topic and the number of persons wishing to be heard and the overall length of the agenda. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB 9323) Anyone may appear at the Board meeting to testify in support of, or in opposition to, any item on this agenda being presented to the Board for consideration. {If you wish to have an item placed on the agenda for discussion and/or action by the Board, you must notify the Board Secretary/Superintendent in writing no later than ten working days prior to a regularly scheduled Board meeting requesting permission. After the Superintendent's Cabinet has met, you will be notified of their decision.}
9. **Reports, Presentations, Information**
  - 9.1 Board Member(s) and Superintendent Report(s) and/or Presentation(s) –
    - 9.1.1 Board Members' report(s)
    - 9.1.2 Committee report(s)
    - 9.1.3 Superintendent Wright's report(s)

- 9.2 Business Services' Reports and/or Presentations on: Routine Restricted Maintenance; Deferred Maintenance; Maintenance and Operations; Transportation Department; Food Services Department; District Technology; and District Budget – Elizabeth Keema-Aston, Chief Business Officer; Ken Gaston, Directors of MOT
  - 9.2.1 ADA/Enrollment Report – Elizabeth Keema-Aston
  - 9.2.2 Monthly Financial Report – Elizabeth Keema-Aston
  - 9.2.3 Maintenance, Operations & Transportation Update, Ken Gaston, Director of MOT
- 9.3 Education Services' Reports and/or Presentation(s) - Nicole Latimer, Director of Educational Services and Special Education
  - 9.3.1 Educational Services Update – Nicole Latimer
  - 9.3.2 Presentation showing the results of the progress measurement of the Local Indicators on the California Dashboard – Nicole Latimer
  - 9.3.3 Early Education Programs – Carrie Norris and Stacy Wallace
- 9.4 River Delta Unified Teacher's Association (RDUTA) Update
- 9.5 California State Employees Association (CSEA) Chapter #319 Update
- 9.6 Public Hearing: Delta Elementary Charter School's Charter Petition 2020-2025 – Katherine Wright

**Open Public Hearing \_\_\_\_pm      Public Comment:      Close Public Hearing \_\_\_\_pm**

Action on the Charter Petition for Delta Elementary Charter School will take place at the Regularly Scheduled Meeting of the River Delta Unified School District Board of Trustees held on November 12, 2019.

**10. Consent Calendar**

- 10.1 Approve Board Minutes
  - Regular Meeting of the Board, September 10, 2019
- 10.2 Receive and Approve Monthly Personnel Reports
  - As of October 8, 2019
- 10.3 District's Monthly Expenditure Report
  - September 2019
- 10.4 Request to approve the overnight fieldtrip for Riverview Middle School 6<sup>th</sup> grade students to attend the Point Bonita Science Camp in Sausalito, CA from April 1-3, 2020 – Marcy Rossi
- 10.5 Request to approve the Independent Contract for Services Agreement with Center of Movement to provide yoga and mindfulness classes for Isleton Elementary School at a cost not to exceed \$4,000 – Stacy Wallace
- 10.6 Request to pre-approve the 2019-2020 ASB, Booster Club, PTC and PTA Fundraising events – Elizabeth Keema-Aston
- 10.7 Donations
  - Rio Vista High School, Riverview Middle School and D.H. White Elementary School**
  - Rio Vista Lions Club - \$2,252 for CatapultEMS subscription
  - Riverview Middle School**
  - Rio Vista Lions Club - \$1,139.50 for Student Planners
  - Beth Brockhouse - \$179.48
  - Isleton Elementary School - 6<sup>th</sup> grade Sly Park Science Camp**
  - Bruce and Ofelia Gornto - \$235
  - Wence, Inc (Lucy's Café) - \$235
  - F & M Bank - \$470
  - Bob's Bait Shop - \$235

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

**Action Items -- Individual speakers shall be allowed three minutes to address the Board on any agenda item. The Board shall limit the *total time* for public presentation and input on *all items* to a maximum of 20 minutes.** With Board consent, the Board President may increase or decrease the time allowed for public comment, depending on the topic and the number of persons wishing to be heard and the overall length of the agenda. The Board President may take a poll of

speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB 9323) Anyone may appear at the Board meeting to testify in support of, or in opposition to, any item on this agenda being presented to the Board for consideration.

- 11. Request to approve the second and final reading of the updated or new Board Policies, Administrative Regulations and Exhibits due to new legislation, mandated language and/or citation revisions as of July 2019 – Katherine Wright

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 12. Request to approve and adopt the Tentative Agreement between River Delta Unified Teacher’s Association and the River Delta Unified School District for 2018-2019 – Katherine Wright

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 13. Request the approval to apply for the 2019 National School Lunch Program Equipment Assistance Grant (EAG) – Elizabeth Keema-Aston

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_

- 14. Request the approval to apply for the School Bus Funding Grant from the California VW Mitigation Settlement Trust to replace a school bus(es) and approve Resolution 773 authorizing Elizabeth Keema-Aston to accept the grant and execute necessary documents to implement this resolution– Ken Gaston

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote: Member Fernandez \_\_\_; Member Olson \_\_\_; Member Riley \_\_\_; Member Stone \_\_\_; Member Elliott \_\_\_; Member Casillas \_\_\_; Member Mahoney \_\_\_; Vote: \_\_\_\_\_

- 15. Re-Adjourn to continue Closed Session, if needed
- 16. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Fernandez
- 17. Adjournment

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstentions: \_\_\_\_\_ Time: \_\_\_\_\_

**A copy of the full agenda (with backup documents but without confidential closed session items) is available for public review at the District Office, 445 Montezuma St., Rio Vista, California, at least 72 hours prior to the announced meeting of the Board of Trustees. The full agenda is also available online at <http://riverdelta.org>.**

**Americans with Disabilities Act Compliance:** Any and all requests for "...any disability-related modification or accommodation, including auxiliary aids or services..." needed to access our agendas or to participate in the public meetings, must be received in writing by the Superintendent’s Office at 445 Montezuma Street, Rio Vista, CA 94571 at least annually before July 1 of each year -- or at least 5 calendar days prior to the individual meeting in question. All inquiries may be directed to the Superintendent’s Office c/o Jennifer Gaston at (707) 374-1711.

**AFFIDAVIT OF NOTICING AND POSTING:**

I, Jennifer Gaston, Executive Assistant to the Board of Trustees, declare that a copy of this Regular Meeting Agenda/Notice was posted in the bulletin board in front of the District Office and that the Board of Trustees Members, District administrative offices and schools, the community libraries and the River News Herald were provided notice or caused to be provided notice via fax, e-mail and/or hand delivery on Friday, October 4, 2019, by or before 5:30 p.m.

**By: Jennifer Gaston** Jennifer Gaston, Executive Assistant, to the Superintendent.

# ATTACHMENT

## RIVER DELTA UNIFIED SCHOOL DISTRICT

Notice of a Regular Meeting of the Board of Trustees

By Order of the President of the Board of Trustees, this is a Call for the Regular Meeting of the Board of Trustees of the River Delta Unified School District to be held:

**October 8, 2019**

**Bates Elementary School ♦ 180 Primasing, Courtland, CA**

### CLOSED SESSION

As provided by Government Code Section 54957, the Board is requested to meet in closed session for consideration of **personnel appointment, employment, discipline, complaint, evaluation or dismissal** [Government Code Section 54957], **possible or pending litigation** [Government Code 54956.9(a)(b)(c)], **student discipline** [Education Code Sections 49070 (c) and 76232 (c)], **employee/employer negotiations** [Government Code Section 3549.1 and 54957.6], **or real property transactions** [Government Code Section 54956.8].

A Closed Session will be held beginning at 5:35 p.m. on October 8, 2019, at the Bates Elementary School, Courtland, California (which is prior to the full Open Session). Any formal action taken by the Board will be reported in the Open Session of this regular meeting of the Board of Trustees [Government Code Section 54957.1]. As needed, this Closed Session may be reconvened following the full Open Session. Any formal action taken by the Board will be reported in Open Session prior to adjournment.

#### 4. CLOSED SESSION

4.1 **Student Discipline** [Education Code Sections 49070 (c) and 76232 (c)]. - None

4.2 **Possible or Pending Litigation** [Government Code 54956.9(a)(b)(c)]  
Following Conference with Legal Counsel Following Conference with Legal Counsel (Parker & Covert, LLC; Girard, Edwards, Stevens & Tucker LLP; Burke, Williams & Sorensen, LLP) – Pending or Anticipated Litigation/Potential Case(s) Update(s)

4.2.1 Name(s) unspecified as disclosure would jeopardize the service of process and/or existing/possible settlement negotiations

4.3 **Personnel Evaluation, Searches, Appointment, Employment, Complaint, Discipline, Dismissal, Non-reelects and Releases** [Government Code Section 54957]

Following Conference with Legal Counsel (Girard, Edwards, Stevens & Tucker LLP)

Public Employee(s) Evaluation:

4.3.1 Certificated

4.3.2 Classified

4.3.3 Public Employee(s) Searches, Appointment, Employment conditions

4.3.4 Complaint, Discipline, Dismissal, Non-reelects, & Releases

4.3.5 Employee/Employer Negotiations [Government Code Section 3549.1 and 54957.6] Following negotiation meetings any/all units.

4.3.5.1 RDUTA

4.3.5.2 CSEA

**5. Adjourn to Open Session (@6:30 p.m.)** Any formal action taken by the Board in the above items will be reported in Open Session of this regular meeting of the Board of Trustees [Government Code Section 54957.1]. The meeting may be reconvened as needed (i.e. following the end of Open Session).

Motioned: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Time: \_\_\_\_\_

jg

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 08, 2019

Attachments: X

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: 9.2.1

Type of item: (Action, Consent Action or Information Only): Information Only

**SUBJECT:** Monthly Enrollment and ADA Report (**SEPTEMBER MONTH 2**)

**BACKGROUND:** Each month district staff compiles attendance and enrollment data for all school sites. The attached summary shows comparative enrollment an ADA for 2018-2019 and 2019-2020. The summary also shows the increase/decrease enrollment for current and prior months. The attached charts compare the ADA with Enrollment for the current year and five (5) prior years.

**STATUS:** District-wide enrollment **increased by 24 students** compared to the same month last year, *increasing* from 1,942 to 1,966. (Does not include Adult Ed)

District-wide enrollment **decreased by 6 students** compared to **last month** (*August*), *decreasing* from 1,972 to 1,966. (Does not include Adult Ed)

District-wide attendance **decreased 12 ADA** compared to **last month** (*August*), *1,892 to 1,880*. (Does not include Adult Ed)

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

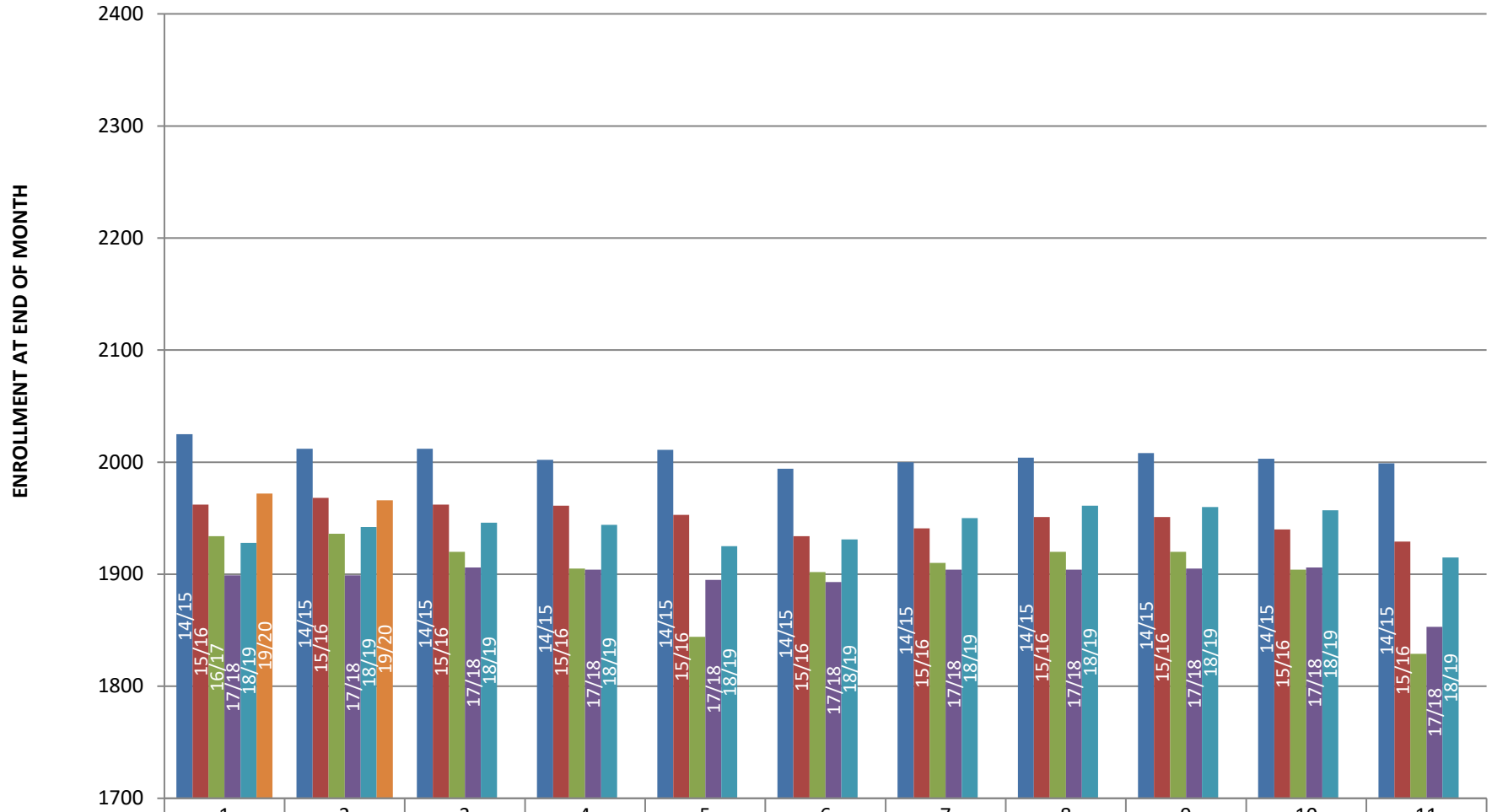
**RECOMMENDATION:**

That the Board receives the information presented.

Time allocated: 3 minutes



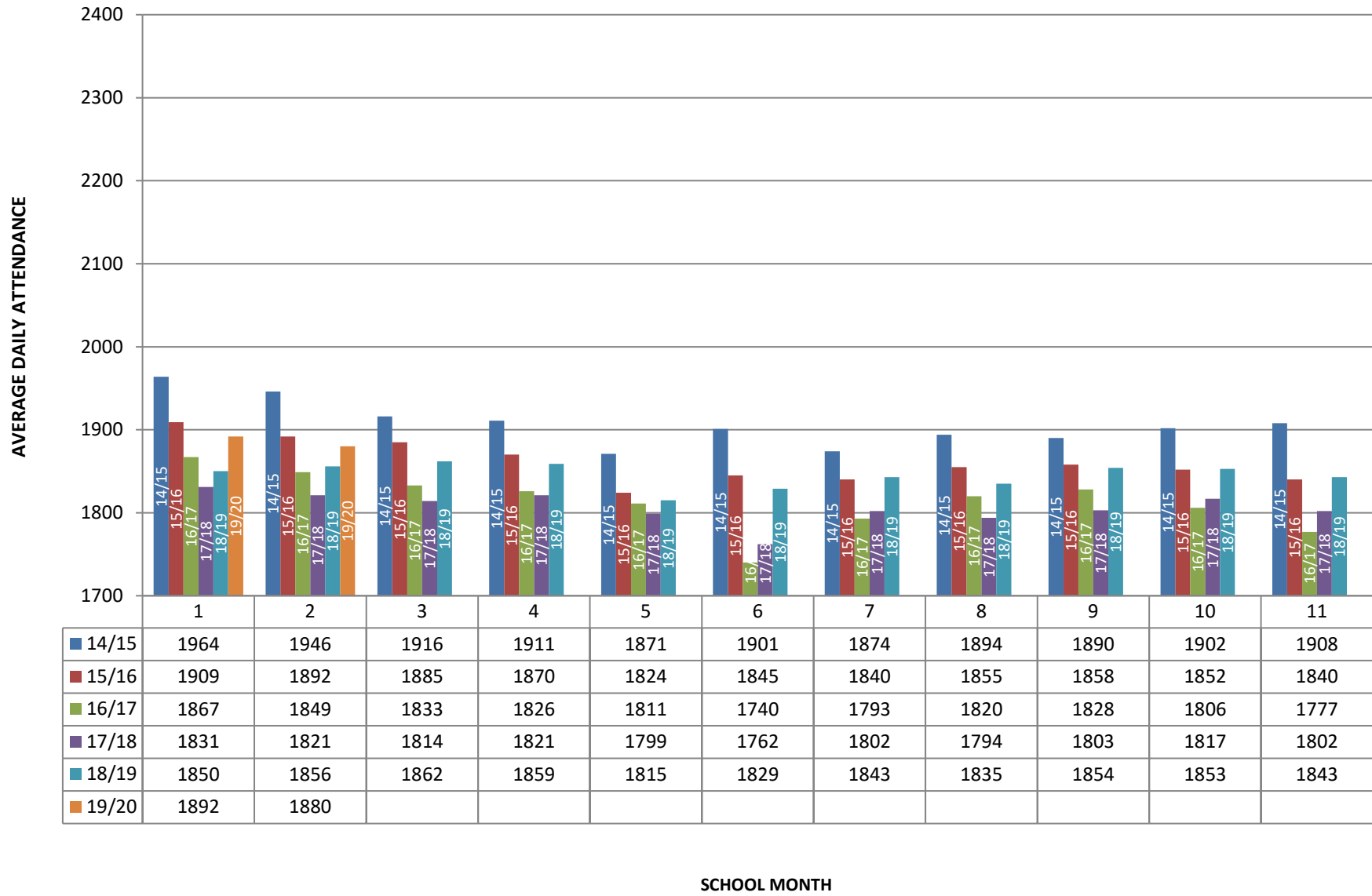
# ENROLLMENT



	1	2	3	4	5	6	7	8	9	10	11
■ 14/15	2025	2012	2012	2002	2011	1994	2000	2004	2008	2003	1999
■ 15/16	1962	1968	1962	1961	1953	1934	1941	1951	1951	1940	1929
■ 16/17	1934	1936	1920	1905	1844	1902	1910	1920	1920	1904	1829
■ 17/18	1899	1899	1906	1904	1895	1893	1904	1904	1905	1906	1853
■ 18/19	1928	1942	1946	1944	1925	1931	1950	1961	1960	1957	1915
■ 19/20	1972	1966									

SCHOOL MONTH

## ACTUAL ATTENDANCE





**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X

From: Elizabeth Keema-Aston

Item Number: 9.2.2

Type of item: (Action, Consent Action or Information Only): Information Only

**SUBJECT:**

Monthly Financial Report

**BACKGROUND:**

Each month the Chief Business Officer prepares a monthly financial summary report, showing both budgeted and actual revenues and expenditures for each district fund for the prior month. The report includes: the percentage of the districts ending fund from the prior month, the percentage of the districts ending fund balance (reserves) at the end of the reported month.

This report does not include any encumbered expenditures

**STATUS:**

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES: NOT APPLICABLE**

**RECOMMENDATION:**

That the Board receives the Monthly Financial report as submitted

Time allocated: 3 minutes

**River Delta Unified School District**  
 2019-20 Working Budget vs. Actuals Report  
 September 30, 2019

Working Budget						Actuals thru: 9/30/2019					
	Beginning Balance ( A )	Net Income/ Contributions in ( B )	Expense/ Contributions out ( C )	Ending Balance ( D )	YTD Income ( E )	YTD Paid to Delta Charter ( F )	YTD Net Revenue ( G )	Percentage Received ( H )	YTD Expense ( I )	Percentage Spent ( J )	
					(G/B=H)				(I/C=J)		
<b>General Fund: (01)</b>											
Unrestricted	5,684,341	16,440,290	17,304,486	4,820,145	2,020,588	372,283	1,648,305	10.03%	3,736,736	21.59%	
Restricted	955,689	7,508,216	7,599,628	864,277	900,786		900,786	12.00%	1,185,453	15.60%	
Combined	6,640,030	23,948,506	24,904,114	5,684,422	2,921,373	372,283	2,549,090	10.64%	4,922,189	19.76%	
<i>Dry Period Financing</i>					-		-				
<b>Other Funds</b>											
Adult Ed. ( 11 )	58,321	98,292	98,292	58,321	11,281		11,281	11.48%	21,077	21.44%	
Child Development ( 12 )	5,996	299,381	299,381	5,996	80,251		80,251	26.81%	54,460	18.19%	
Cafeteria ( 13 )	60,295	1,053,168	1,090,366	23,097	10,069		10,069	0.96%	107,962	9.90%	
Sp. Res-Other than Cap. Outlay ( 17 )	70,659	700	-	71,359	-		-	0.00%	-	0.00%	
Bond Fund ( 21 )	274,451	38,600	262,311	50,740	8,523		8,523	22.08%	223,881	85.35%	
Bond Fund- SFID #1 South ( 22 )	-	-	-	-	-		-	0.00%	-	0.00%	
Bond Fund - SFID #2 North ( 23 )	-	-	-	-	-		-	0.00%	-	0.00%	
Developer Fees ( 25 )	1,324,219	655,190	253,190	1,726,219	71,365		71,365	10.89%	208,789	82.46%	
County School Facilities ( 35 )	3,305	18	-	3,323	-		-	0.00%	-	0.00%	
Capital Projects ( 49 )	3,309	6,190	6,100	3,399	-		-	0.00%	2,640	43.28%	

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments:   X  

From: Ken Gaston, Director of MOT

Item Number:   X  

Type of item: (Action, Consent Action or Information Only):   Information Only  

**SUBJECT:**

Monthly MOT Information Report

**BACKGROUND:**

To provide a monthly update on the activities of the Maintenance, Operations & Transportation Departments. The only projects included in this report are those over \$100.

**STATUS:**

See attached monthly report for the period of September 2019

**PRESENTER:**

Ken Gaston

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board receives this information

Time allocated: 5 minutes

**Maintenance, Operations & Transportation**  
**Monthly Report for Board Meeting**  
**October 8, 2019**

Routine maintenance, repairs and custodial duties at all school sites and district office were completed. Other non-routine projects have been captured below.

**Maintenance & Operations:**

- **Bates Elementary**
  - Replaced electrical outlets to GFCI in the multipurpose room. - \$137.48
  
- **Delta High School**
  - Adjusted pressure switch that controls the temperature in the walk-in refrigerator. - \$100
  - Repaired trash compactor hose and added 10 gallons of hydraulic fluid. - \$112
  - Repaired damaged wall outside music room. - \$175.06
  - Installed 2 new T-8 bulbs and replaced diffuser lens - \$155.99
  
- **D. H. White Elementary**
  - Installed speaker in room 20. - \$140
  
- **Isleton Elementary School**
  - Trimmed the hedges/ trees and hauled away. – \$525
  - Installed brick borders around trees in front of main classroom building. Installed a brick strip by drinking water fountain. - \$175
  
- **Rio Vista High School**
  - Installed bricks for flower beds. -\$100
  - Glued loose ceiling tiles. - \$100
  - Replaced art canvas on art room table. - \$117.50
  
- **Riverview Middle School**
  - Moved electrical outlet from inside a closet to the classroom wall in the art room. - \$ 110.21
  - Installed blinds in room 6, 7 and 9. - \$150
  - Put and painted hanging cables at hallway cross connections into conduits. - \$222.55
  
- **Walnut Grove Elementary School**
  - Leveled bricks on parking lot walk way. - \$ 100
  
- **Transportation Department**
  - Installed solar light to pole by the gate in the north garage. - \$140.99
  - Installed a new water bottle filling station in the north garage. - \$1,436.49

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 10.1

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to approve the minutes from the regular meeting of the Board of Trustees on September 10, 2019.

**BACKGROUND:**

Attached are the minutes from the Board of Trustee's meetings held on September 10, 2019

**STATUS:**

The Board is to review for approval

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

None

**RECOMMENDATION:**

That the Board approves the minutes as submitted

Time allocated: 3 minutes

# RIVER DELTA UNIFIED SCHOOL DISTRICT

## MINUTES

### REGULAR MEETING

September 10, 2019

1. **Call Open Session to Order** – Board President Fernandez called the Open Session of the meeting of the Board of Trustees to order at 5:30 p.m. on September 10, 2019 at Walnut Grove Elementary School, Walnut Grove, California.

2. **Roll Call of Members:**

Alicia Fernandez, President  
Don Olson, Vice President  
Marilyn Riley, Clerk  
Jennifer Stone, Member  
Chris Elliott, Member  
Rafaela Casillas, Member  
Dan Mahoney, Member

Also present: Katherine Wright, Superintendent

3. **Review, Approve the Closed Session Agenda and Adjourn to Closed Session**

- 3.1 Board President Fernandez announced items on the Closed Session Agenda
- 3.2 Public Comment on Closed Session Agenda Items. – *None to report*

4. **Board President Fernandez asked for a motion to approve the Closed Session agenda and adjourn the meeting to Closed Session @ 5:33 pm**

*Member Mahoney moved to approve, Member Stone seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

5. **Open Session was reconvened at 6:46 pm**

- 5.1 Roll was retaken. All members were present.

Also present: Katherine Wright, Superintendent; Elizabeth Keema-Aston, Chief Business Officer and Jennifer Gaston, Recorder.

- 5.2 Pledge of Allegiance was led by Danielle Tharp, Coordinator of Special Education

6. **Report of Action taken, if any, during the Closed Session (Government Code Section 54957.1)**

Board President Fernandez reported that the Board received information; no action taken during Closed Session.

7. **Review and Approve the Open Session Agenda**

Member Fernandez announced there was a request from Superintendent Wright to pull agenda item 9.3.2 asked for a motion to approve the Open Session Agenda

*Member Olson moved to approve with the removal of agenda item 9.3.2, Member Riley seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

8. **Public Comment:** Mary Ann Cahill, informed the Board that she was a former teacher at D.H. White Elementary School where she did not receive a prep period. She noted that she had transferred to Rio Vista High School where as a Special Education teacher was paid \$400 dollars in lieu of a prep period. When she returned to D.H. White Elementary School, again, she did not receive a prep period.

Donnie Surla mentioned to the Board that she has been an English teacher at Rio Vista High School for the past 17 years. She spoke of the lack of teacher retention and that, when she reached 12 years with the District, she was the most tenured English teacher in the District. Mrs. Surla also mentioned that, in the last ten years, the high school, has had nine different English Language Arts teachers. Her concern is that these teachers are leaving the District for jobs with better pay and a reduction in their commute. In this current environment, of frequent teacher turnaround the ELA test scores at Rio Vista High School have dropped in recent years.

Reina Riebe, a RDUSD teacher for 26 years, stated that teachers do not go into this profession to get rich;

they are devoted to the students. She believes that River Delta USD teachers have less resources than other districts, less prep time, less aides, and the teachers at Walnut Grove Elementary School have combination classes through third grade. Ms. Riebe asked the Board to keep the teachers in mind during negotiations.

## 9. Reports, Presentations, Information

### 9.1 Board Member(s) and Superintendent Report(s) and/or Presentation(s) –

9.1.1 Board Members' Report(s): Member Mahoney, reported that he attended the 2X2 meeting at the City of Rio Vista. In attendance were a City Council Member, the City Manager, Superintendent Wright and himself. Topics discussed were that the Liberty Ranch housing project and its impact on the District with the new families moving in. In years past, there were agreements with three developers in which a new school would be built to accommodate new students from the developments. Mr. Mahoney conveyed his concerns that the fees collected for the new housing developments will not cover the cost of educating these students.

Mrs. Wright stated that Trilogy is an age restricted community outside of Rio Vista. The developer pays a fee to the district for each home. However, the residents do not pay an annual impact fee in their taxes. Ms. Keema Aston added that all homes in the Liberty Ranch Development, age-restricted, or single-family homes pay an impact fee of approximately \$600 per year.

Member Mahoney commented that there are students that attend the schools in Rio Vista who reside in the age restricted community of Trilogy. Member Mahoney does realize that some of these students have special needs and are permitted to live in the community. However, he believes that not all of the students have special needs.

There was talk during the 2 X 2 meeting of future developments and how they will be negotiated. Mr. Mahoney believes the Brann Ranch will be the next development to begin construction. He stated that the city manager suggested that the District move forward with a Bond to help with the impact on the facilities. Mr. Mahoney made it clear that Bonds are intended to make school improvements, not to build new schools. The responsibility lies on the developers to provide new schools for these newly enrolled students.

And lastly, the City Manager brought up the possibility of working jointly with the District regarding parks and athletic fields.

Mrs. Wright clarified that the future development Member Mahoney was referring to is an old agreement from 1990 (revised in 1996) with Seeno / Secon Developers. This development "Riverwalk" is for 1200 homes on 413 acres outside of Rio Vista.

### 9.1.2 Committee Report(s): None to report

9.1.3 Superintendent Wright's Report(s): Ms. Wright reported that she had attended Walnut Grove Elementary, Riverview Middle and Isleton Elementary School's Back to School nights. She was proud and enjoyed welcoming the families, students and staff to the new school year. Mrs. Wright attended Delta High and Clarksburg Middle School's staff meeting. The topic of conversation was in regard to the power outages the previous year. She noted that the campuses are on a well system for water, if there is a loss of power the water supply is lost, they lose the use of restrooms and drinking fountains. The suggestion is to come up with a more comprehensive plan that will help all sites that are on a well system. Mr. Delgado stated that the staff members appreciated the Superintendents appearance at the meeting.

Mrs. Wright was pleased to announce the Williams Review Inspection at Walnut Grove Elementary and Clarksburg Middle School had very good the outcomes.

Mrs. Wright meet with the representative of Friends of Clarksburg, Amanda Beck regarding the community park and aquatic center they are interested in pursuing. This project would be a partnership between the Friends of Clarksburg community, the District, and the Yolo County Parks and Receptions Departments. The

community park would be located on the Delta High and Clarksburg Middle School's campus. They are in the beginning stages of the project. The Esparto USD has entered into a similar agreement with its community. Mrs. Wright will be in contact Esparto's Superintendent to see how the agreement is working for them. Unfortunately, the Superintendent that arranged the agreement has left the position for another opportunity and the new superintendent didn't have enough knowledge of the project. She will try to contact the former superintendent.

Mrs. Wright reported to the Board that she has restructured the LCAP stakeholder engagement process. The Stakeholder groups will be divided by goal and have a lead facilitator. Mrs. Wright has meet with each lead facilitator to share her vision and planned the first set of meetings. Stakeholders engagement groups include Board members, staff members, administrators, parents and community members.

Mrs. Wright mentioned the administrative staff attended a Dora Dome, Esq. workshop. The topic of the workshop was student discipline basics and disciplinary investigations. Dora Dome is well known in the area in Ed. Law and works at UC Berkeley teaching classes on Ed. Law. Everyone was extremely excited in what they had learned and finding ways to implement alternative means of correction.

9.2 Business Services' Reports and/or Presentations on: Routine Restricted Maintenance; Deferred Maintenance; Maintenance and Operations; Transportation Department; Food Services Department; District Technology; and District Budget – Elizabeth Keema-Aston, Chief Business Officer; Ken Gaston, Directors of MOT

9.2.1 ADA/Enrollment Report – Elizabeth Keema-Aston reported that the enrollment from June of 2019 to August of 2019 has increased by 10 students. For the same period ADA had an increase of 49. Riverview Middle School and Delta High School were the two sites with the greatest change with 19 and 22 respectively.

9.2.2 Monthly Financial Report – Elizabeth Keema-Aston reported as submitted

9.2.3 Maintenance, Operations & Transportation Update, Ken Gaston, Director of MOT noted a few of the minor repairs needed to be fixed following the Williams Review Inspection. Mr. Gaston mentioned that it was a fairly slow month for his department. Many of the employees have been out on vacation or due to illness

9.3 Education Services' Reports and/or Presentation(s) - Nicole Latimer, Director of Educational Services and Special Education

9.3.1 Educational Services Update – Nicole Latimer gave a presentation of the different projects the department has been completing during the month. Ms. Latimer has implemented the "Delta View", a presentation she will provide the Board each month with a narrative and photos showing students engaged in their academic activities. The Board members were very pleased to see the photos in the presentation of the students at the different school sites.

~~9.3.2 California Assessment of Student Performance and Progress (CAASPP) Presentation – Nicole Latimer - Pulled~~

9.3.3 Special Education Update – Danielle Tharp gave an update on the California Department of Education Comprehensive Review. Within the next month, the District will have their next follow up meeting with the reviewer. The Performance Indicator Review (PIR) improvement plan was approved and implementation has started. Ms. Tharp reported that the Fall Parent Outreach meeting was informational. Its purpose is to help parents in getting their students in the back to school mode. In the Spring they will focus on parent engagement activities.

Ms. Tharp with the help of Mrs. Norris has finished developing a series of meetings they are calling the "SpEd Road Show". The first meeting was held at Walnut Grove Elementary and the next meeting will be held at Bates Elementary. The SpEd Road Show is intended to give the general education teachers a foundational understanding of the processes on how a student qualifies for special education, what their role is during an IEP, and how to make accommodations in the classroom. She has been making site



visits, which has helped to alleviate problems or “hot spots”, and providing intervention as needed.

9.4 River Delta Unified Teacher’s Association (RDUTA) Update: Bill Hodges, the RDUTA President gave an updated to the Board on feedback he has received from some of the unit members. Some concerns were the four combo classes that Walnut Grove Elementary School are completely filled. He has heard from members at Bates Elementary School that some of the curriculum has not been received. Some of the Riverview Middle School teachers have had their prep time bought out, and they do not have time to prep for their classes. Walnut Grove Elementary School has received four independent study packets from families and the teachers are concerned on the turnaround time after the packets have been return. It takes time to review and correct the work and they are not being compensated for their time. D.H. White Elementary School was also concerned that some of the curriculum not present on site.

9.5 California State Employees Association (CSEA) Chapter #319 Update – None to report

10. **Consent Calendar**

- 10.1 Approve Board Minutes  
Regular Meeting of the Board, August 13, 2019
- 10.2 Receive and Approve Monthly Personnel Reports  
As of September 10, 2019
- 10.3 District’s Monthly Expenditure Report  
August 2019
- 10.4 Request to approve a contract with Corwin for Equitable Behavior Systems, to provide a professional development series for the 2019-2020 school year, cost not to exceed \$28,000 - paid for by Title I Funds – Nicole Latimer
- 10.5 Request to approve the fundraising event “Spaghetti Feed” to benefit D.H. White Elementary School 5th grade students, who are raising money for a field trip to the San Francisco Academy of Science – Nick Casey
- 10.6 Request to approve the leave of absence requested by Kate Clark – Katherine Wright
- 10.7 Request to approve Rio Vista High School FFA students to travel out of state to attend the FFA National Convention in Indianapolis, Indiana from October 31-November 1, 2019 – AG Incentive Grant will fund teachers’ expenses and students will fund their own costs – Victoria Turk
- 10.8 Request to approve the 2019-2020 General Agreement for Nonpublic, Nonsectarian School/Agency (CCHAT Center) to provide deaf and hard of hearing services for district students at a cost not to exceed \$5,000 – Special Educational Funds – Nicole Latimer
- 10.9 Request the approval to apply for an Extended School Year Waiver from CDE for the 2019 2020 school year – Danielle Tharp
- 10.10 Request to approve the Independent Contract for Services Agreement with Seto Educational Support Services for the 2019-2020 school year to provide psychological therapy services, at a cost not to exceed \$5,000 – Special Educational Funds – Nicole Latimer
- 10.11 Request to approve the Heavenly Booster’s fundraising barbeque event to benefit Delta High School’s Varsity Football Team and the Clarksburg Middle School’s Leadership Class Student Store to benefit Clarksburg Middle School’s Leadership Class – Laura Uslan
- 10.12 Request to approve the fundraising event “Popcornopolis” take-home PTC fundraiser for D.H. White Elementary beginning on November 6, 2019 to benefit the students of D.H. White School – Nick Casey
- 10.13 Request to approve the PTC fundraising event “Monster Bash” PTC for D.H. White Elementary on October 25, 2019 – Nick Casey
- 10.14 Request to approve the Independent Contract for Services Agreement with Sacramento Theatre Company for the 2019-2020 school at a cost not to exceed \$4,176 (Grades 1st-3<sup>rd</sup>) – Arts Grant Funding – Stacy Wallace
- 10.15 Request to approve the Independent Contract for Services Agreement with Sacramento Theatre Company for the 2019-2020 school at a cost not to exceed \$3,996 (Grades 4-6) – Arts Grant Funding – Stacy Wallace
- 10.16 Request to approve the leave of absence requested by Alejandro Ruiz – Katherine Wright
- 10.17 Donations

### **Walnut Grove Elementary School**

Clark Trucking Service - \$1,000 – Summer Swim Program  
Agiftinside.com – 300 wood jewelry boxes for Muffins for Moms Family Event

### **D.H. White Elementary School**

Veronica & Mario Jimenez – 3 shade umbrellas (approx. \$180 value)  
Josh & Christine Perkins – 2 shade umbrellas (approx. \$120 value)

### **Rio Vista High School**

Verla Chaddick – Funds towards Science Laboratory Chromebook Cart  
Karen Starr – Funds towards Rio Vista High School AFS Program  
Books Rio V (Hale & Sue Conklin) Funds towards Rio Vista High School AFS Program

### **Bates Elementary School**

Gladys Gaboury - \$1000

*Member Riley moved to approve, Member Stone seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

Member Fernandez acknowledged those who donated and thanked them for their continuing support.

**Action Items -- Individual speakers shall be allowed three minutes to address the Board on any agenda item. The Board shall limit the total time for public presentation and input on all items to a maximum of 20 minutes.** With Board consent, the Board President may increase or decrease the time allowed for public comment, depending on the topic and the number of persons wishing to be heard and the overall length of the agenda. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB 9323) Anyone may appear at the Board meeting to testify in support of, or in opposition to, any item on this agenda being presented to the Board for consideration.

11. Request to approve the first reading of the updated or new Board Policies, Administrative Regulations and Exhibits due to new legislation, mandated language and/or citation revisions as of July 2019 – Katherine Wright

*Member Riley moved to approve, Member Olson seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

12. Request to approve Resolution #770 regarding the 2018-2019 Appropriations (Gann) Limit Calculation – Elizabeth Keema-Aston

*Member Olson moved to approve, Member Riley seconded. Motion carried by roll call vote 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

13. Request to approve the Unaudited Actuals Financial Report for 2018-2019 – Elizabeth Keema-Aston

*Member Fernandez moved to approve, Member Elliott seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

14. Request to hold a Public Hearing on the Sufficiency of Textbooks and Instructional Materials and to Approve Resolution #771 on the Sufficiency of Textbooks and Instructional Materials as per Education Code Section 60199 and 5 CCR 9531 for 2019-2020 school year – Nicole Latimer

#### **Open Public Hearing 8:13pm**

**Public Comment:** This is a requirement to report annually regarding the sufficiency of textbooks and instructional materials. It has been confirmed that the District has met the criteria regarding the sufficiency of textbooks and instructional materials for the 2019-2020 school year. Mrs. Wright clarified that sufficiency includes what is still being shipped to the District. All curriculum has been ordered and we are waiting for its arrival. The District cannot dictate the timeline of shipping. All schools are having their needs met.

#### **Close Public Hearing 8:14pm**

*Member Riley moved to approve, Member Olson seconded. Motion carried by roll call vote 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

15. Request approval to purchase a Mini Excavator and a Mower from Dolk Tractor Company for a total cost of \$40,000 and an additional purchase of two trucks from Abel Chevrolet, a 2019 Chevrolet Silverado C3500 and a 2019 Chevrolet C1500 with a cost of \$73,596.10 – Ken Gaston

*Member Fernandez moved to approve, Member Elliott seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

16. Request to approve Resolution #772 Consent to Assignment of Program and Construction Management Contracts from RGM and Associates, Inc. to RGM Kramer, Inc. – Elizabeth Keema-Aston

*Member Olson moved to approve, Member Riley seconded. Motion carried by roll call vote 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

17. Request to approve the contract for services with Maverick, Inc. to provide phone support services for 3 year at a cost of \$21,648.02 - Elizabeth Keema Aston

*Member Riley moved to approve, Member Elliott seconded. Motion carried by roll call vote 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

18. Re-Adjourn to continue Closed Session, if needed – Board President reported that re-adjourning to Closed Session was not necessary.

19. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Fernandez reported Closed Session was not necessary – no actions to report.

20. Adjournment: There being no further business before the Board, Board President Fernandez asked for a motion to adjourn.

*Member Casillas moved to approve, Member Riley seconded. Motion carried 7 (Ayes: Fernandez, Olson, Riley, Stone, Elliott, Casillas, Mahoney): 0 (Nays): 0 (Absent)*

The meeting was adjourned at 8:24 p.m.

Submitted:

Approved:

\_\_\_\_\_  
Katherine Wright, Superintendent and  
Secretary to the Board of Trustees

\_\_\_\_\_  
Marilyn Riley, Clerk, Board of Trustees

By: Jennifer Gaston, Recorder

End

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**SPECIAL BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X \_\_\_\_\_

From: Bonnie Kauzlarich, Director of Personnel

Item Number: 10.2

Type of item: (Action, Consent Action or Information Only): \_\_\_\_\_ Consent Action \_\_\_\_\_

**SUBJECT: MONTHLY PERSONNEL TRANSACTION REPORT**

**BACKGROUND:**

**STATUS:**

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the Monthly Personnel Transaction Report as submitted

Time allocated: 2 minutes



**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X \_\_\_\_\_

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: 10.3

Type of item: (Action, Consent Action or Information Only): \_\_\_\_\_ Consent \_\_\_\_\_

**SUBJECT:** Approve Monthly Expenditure Summary

**BACKGROUND:** The Staff prepares a report of expenditures for the preceding month.

**STATUS:**

**PRESENTER:** Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**  
Not Applicable

**RECOMMENDATION:**

That the Board approves the monthly expenditure summary report as submitted.

Time allocated: 3 minutes

Cutoff amount: \$1.00

Select vendors with 1099 flags: of any setting.

Select payments with 1099 flags: of any setting.

Input file: Unknown Updated:

Report prepared: Tue, Oct 01, 2019, 4:03 PM

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013287 ACSA FOUNDATION FOR ED ADMIN 1575 BAYSHORE HIGHWAY BURLINGAME, CA 94010  (800) 608-2272 N	896.80	92022 SUPT MMBRSHIP DUES	09/26/2019	20313456 PO-200033	896.80	N
014539 ADOBE SYSTEMS 345 PARK AVENUE SAN JOSE, CA 951102704  (800) 443-8158 N	2,496.00	260045609 CREATIVE CLOUD LICEN	09/19/2019	20312100 PO-200571	2,496.00	N
014880 AIR ONE MECHANICAL 23468 RANCHO RAMON CT TRACY, CA 95304  (209) 914-3354 N	8,500.00	19-1034 RVHS /CTEIG INSTALL 19-1034 RVHS/CTEIG INST	09/24/2019 09/24/2019	20312746 PO-200567 20312746 PO-200567	5,000.00 3,500.00	N N
014641 ALDUENDA, YESENIA PO BOX 272 COURTLAND, CA 95615  ( 0) - 0 N	42.00	RVHS CONF REIMB	09/26/2019	20313488 TC-200047	42.00	N
012455 AMERICAN TRASH MANAGEMENT INC 1900 POWELL STREET SUITE 890 EMERYVILLE, CA 94608  (800) 488-7274 N	380.00	1742066 MAINT COMPACTOR REPAIR	09/05/2019	20309523 PV-200113	380.00	N
014529 APPLE EDUCATION 5300 RIATA PARK CRT. BLDG C AUSITN, TX 78727  (512) 674-6821 N	1,944.41	AA36008811 WG IPAD AA38960031 ED SV LATIMER MACBK	09/19/2019 09/19/2019	20312101 PO-200472 20312101 PO-200480	459.99 1,484.42	N N
014902 ASI PEAK ADVENTURES	1,350.00	352281 DHS AG FIELD TRIP	09/12/2019	20310807 PO-200531	1,350.00	N



6000 J STREET MS 6011  
SACRAMENTO, CA 95819

(916) 278-6321

N

---



MAINT SUPPLIES	09/24/2019	20312743	PO-200402	15.76	N
MAINT SUPPLIES	09/24/2019	20312743	PO-200402	193.98	N
SP ED ADAPTER	09/24/2019	20312743	PO-200407	2.11	N
SP ED ADAPTER	09/24/2019	20312743	PO-200407	2.11	N
SP ED ADAPTER	09/24/2019	20312743	PO-200407	26.00	N
TRANS FILLING STATIONS	09/24/2019	20312743	PO-200413	2,170.02	N
DHW KINDER SUPPLIES	09/24/2019	20312743	PO-200416	235.91	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
-----						
014367 BANK OF AMERICA (Continued...)		TRANS SUPPLIES	09/24/2019	20312743 PO-200426	19.98	N
		TRANS SUPPLIES	09/24/2019	20312743 PO-200426	1.62	N
		TRANS SUPPLIES	09/24/2019	20312743 PO-200426	1.62	N
		WG SUPPLIES	09/24/2019	20312743 PO-200437	456.27	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	2.79	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	2.79	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	34.29	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	2.79	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	2.79	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	2.79	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	34.30	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	34.30	N
		ASP SUPPLIES	09/24/2019	20312743 PO-200439	2.79	N
		TRANS TOWING	09/24/2019	20312743 PO-200449	900.00	N
		ED SV SUPPLIES	09/24/2019	20312743 PO-200454	17.04	N
		ED SV SUPPLIES	09/24/2019	20312743 PO-200454	17.04	N
		ED SV SUPPLIES	09/24/2019	20312743 PO-200454	209.72	N
		TRANS SUPPLY	09/24/2019	20312743 PO-200455	15.76	N
		TRANS SUPPLY	09/24/2019	20312743 PO-200455	15.76	N
		TRANS SUPPLY	09/24/2019	20312743 PO-200455	193.98	N
		TRANS SUPPLIES	09/24/2019	20312743 PO-200456	19.99	N
		TRANS SUPPLIES	09/24/2019	20312743 PO-200456	1.62	N
		TRANS SUPPLIES	09/24/2019	20312743 PO-200456	1.62	N
		MAINT SUPPLIES	09/24/2019	20312743 PO-200457	60.33	N
		MAINT CURTAIN PANELS	09/24/2019	20312743 PO-200458	179.40	N
		MAINT SUPPLIES	09/24/2019	20312743 PO-200467	133.13	N
		DHS PSAT FEES	09/24/2019	20312743 PO-200469	976.00	N
		RVHS SUPPLIES	09/24/2019	20312743 PO-200494	131.73	N
		RVHS PROJECTOR CREDIT	09/24/2019	20312745 PV-200159	451.68	N
		RVHS PLCMNT PROJECTOR	09/24/2019	20312745 PV-200159	428.12	N
		MAINT PART	09/24/2019	20312745 PV-200159	118.80	N
		RMS BATTERY BACKUP	09/26/2019	20313484 PV-200174	261.02	N
		DO BATTERY BACKUP	09/26/2019	20313484 PV-200174	261.02	N
-----						
010853 BARRY MCCLAIN P.O. BOX 458 COURTLAND, CA 95615  (916) 775-1426	19.74	40229 MAINT SUPPLIES	09/26/2019	20313485 PV-200176	19.74	Y
-----						
012586 BAY ALARM 60 BERRY DRIVE	6,315.06	RVHS ALARM	09/26/2019	20313486 PV-200175	113.97	N
		RVHS ALARM	09/26/2019	20313486 PV-200175	429.99	N

PACHECO, CA 94553

(209) 465-1986

N BALCO HOLDINGS

RMS ALARM  
BATES ALARM  
BATES ALARM  
DO ALARM  
RMS FIRE MONITORING

09/26/2019	20313486	PV-200175	214.20	N
09/26/2019	20313486	PV-200175	22.53	N
09/26/2019	20313486	PV-200175	260.37	N
09/26/2019	20313486	PV-200175	329.28	N
09/26/2019	20313486	PV-200175	4,944.72	N

-----

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014584 BECERRA, EDITH 849 Olive Canyon Dr. GALT, CA 95632	12.20	DHW STALEDATE #19456420	09/17/2019	20311538 PV-200143	12.20	N
( 0) - 0						N
012147 BECERRA, LUCIA P.O. BOX 64 RYDE, CA 95680	130.62	ASP MILEAGE ASP MILEAGE ASP MILEAGE	09/12/2019 09/12/2019 09/12/2019	20310867 TC-200036 20310867 TC-200036 20310867 TC-200036	43.54 43.54 43.54	N N N
( 0) - 0						N
013642 BLACK POINT ENVIRONMENTAL INC 930 SHILOH RD BLDG 40F WINDSOR, CA 95492	671.35	1967 PROJ#247 146 MAGNOLIA	09/17/2019	20311539 PV-200144	671.35	N
(707) 837-7407						N
001091 BMI EDUCATIONAL SERVICES P.O. BOX 800 DAYTON, NJ 08810-0800	1,759.32	663702 RVHS SUPPLIES 663838 RVHS SUPPLIES	09/12/2019 09/17/2019	20310809 PO-200312 20311540 PV-200145	1,269.54 489.78	N N
(732) 329-6991						N
014962 BRANNON TIRE 3730 N. WILSON WAY STOCKTON, CA 95201	501.58	20275271 MAINT TIRES	09/19/2019	20312102 PO-200445	501.58	N
(209) 466-1881						N
014614 BUCKMASTER 623 W. STADIUM LANE SACRAMENTO, CA 95834	942.48	377301/379130/377520/375322 3781333 CMS SUPPLIES	09/24/2019 09/24/2019	20312751 PO-200340 20312751 PO-200340	927.48 15.00	N N
(916) 923-0500						N
012497 BUSWEST 21107 CHICO STREET	1,089.98	102011 TRANS PARTS	09/05/2019	20309502 PO-200161	1,089.98	N

CARSON, CA 90745

(209) 531-3928

N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014977 CA STATE UNIVERSITY SACRAMENTO 6000 J. STREET MS 6052 SACRAMENTO, CA 95819-6010	3,300.00	1082207 SUMMER INSTITUTE 1082222 SUMMER INSTITUTE 1082196 SUMMER INSTITUTE 1082324 SUMMER INSTITUTE	09/24/2019 09/24/2019 09/24/2019 09/24/2019	20312754 PV-200160 20312754 PV-200160 20312754 PV-200160 20312754 PV-200160	800.00 850.00 850.00 800.00	N N N N
( 0) - 0 N						
003681 CALIFORNIA AMERICAN WATER P.O. BOX 7150 PASADENA, CA 91109-7150	777.90	ISLE WATER ISLE WATER ISLE WATER	09/17/2019 09/17/2019 09/17/2019	20311541 PV-200146 20311541 PV-200146 20311541 PV-200146	310.79 283.19 183.92	N N N
(888) 237-1333 N						
012079 CALIFORNIA CLEAR BOTTLED P.O. BOX 981 14410 W.G. THORNTON RD WALNUT GROVE, CA 95690	267.75	ZRI007 RMS WATER ZBA006 BATES WATER ZMO002 MOKE WATER ZWA009ASP WG WATER	09/26/2019 09/26/2019 09/26/2019 09/26/2019	20313465 PO-200262 20313465 PO-200273 20313465 PO-200280 20313465 PO-200572	43.75 95.25 93.75 35.00	7 7 7 7
(916) 776-1544 Y						
013205 CALIFORNIA FFA PO BOX 460 GALT, CA 95632	20.00	GLC 10459 DHS AG CONF GLC 10459 DHS AG CONF	09/12/2019 09/12/2019	20310810 PO-200502 20310810 PO-200502	10.00 10.00	N N
(209) 744-1600 N						
002344 CALIFORNIA LABORATORY SERVICES 3249 FITZGERALD ROAD RANCHO CORDOVA, CA 95742	1,842.00	MAINT WATER TESTING MAINT WATER TESTING	09/12/2019 09/26/2019	20310823 PO-200181 20313466 PO-200181	744.00 1,098.00	N N
(800) 638-7301 N GLOBAL LABS IN						
012268 CALIFORNIA WASTE RECOVERY SYSTEMS 175 ENTERPRISE CT STE #A GALT, CA 95632-9047	1,134.68	ISLE WASTE	09/12/2019	20310850 PV-200125	1,134.68	N
(209) 369-6887 N						



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014877 CAMACHO, MARIA PO BOX 553 COURTLAND, CA 95615	27.84	MIG ED WG CONF REIMB	09/05/2019	20309535 TC-200035	27.84	N
( 0) - 0						N
010576 CAMACHO, REFUJIO 200 PRIMASING AVE P.O. BOX 553 COURTLAND, CA 95615	106.72	WG MAINT MILEAGE	09/12/2019	20310868 TC-200037	106.72	N
( 0) - 0						N
014804 CAMARGO NUNEZ, ROSA 511 N. FILBERT ST STOCKTON, CA 95205	30.00	DHW STALEDATE 19454932	09/17/2019	20311542 PV-200147	30.00	N
( 0) - 0						N
011595 CAPITAL AUTISM SERVICES 6400 FREEPORT BLVD SACRAMENTO, CA 95822	15,095.76	2021832 SP ED NPS FEES 2021831 SP ED NPS FEES 2021830 SP ED NPS FEES 2091712 SP ED NPS FEES 2091710 SP ED NPS FEES 2091711 SP ED NPS FEES	09/12/2019 09/12/2019 09/12/2019 09/17/2019 09/17/2019 09/17/2019	20310824 PO-200530 20310824 PO-200530 20310824 PO-200530 20311524 PO-200530 20311524 PO-200530 20311524 PO-200530	2,965.65 2,047.10 2,981.28 2,545.65 1,831.89 2,724.19	N N N N N N
(916) 427-2273		N ADVANCE EDUCAT				N
013882 CAPITAL CLUTCH & BRAKE 3100 DULUTH STREET WEST SACRAMENTO, CA 95691	196.14	8440 TRANS SUPPLIES	09/12/2019	20310825 PO-200147	196.14	N
(916) 371-5970						N
014969 CASCWA TREASURER ATTN: ANGELICA RIOS 1350 M STREET BUILDING B FRESNO, CA 93721	75.00	5448 LATIMER CONF 10-22	09/12/2019	20310811 PO-200514	75.00	N
( 0) - 0						N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014547 CASEY, NICHOLAS 2318 Windy Springs LN BRENTWOOD, CA 94513	124.23	DHW SUPPLIES DHW SUPPLIES	09/12/2019 09/26/2019	20310826 PO-200209 20313467 PO-200209	46.69 77.54	N N
( 0) - 0						N
013918 CENGAGE LEARNING 10650 TOEBBEN DRIVE INDEPENDENCE, KY 41051	1,144.36	67937429 ED SV BOOKS 67937427 ED SV BOOKS	09/17/2019 09/17/2019	20311519 PO-200475 20311519 PO-200476	945.24 199.12	N N
(800) 354-9706						N
014428 CENTRAL REGION CATA CA DEPT OF EDUCATION 1430 N STREET SUITE 4202 SACRAMENTO, CA 95814	330.00	DHS AG LEADERSHIP CONF DHS AG LEADERSHIP CONF	09/17/2019 09/17/2019	20311520 PO-200556 20311520 PO-200556	165.00 165.00	N N
(916) 319-0494						N
003380 CENTRAL VALLEY WASTE SERVICE INC P.O. BOX 78251 PHOENIX, AZ 85062-8251	2,322.33	WG WASTE BATES WASTE MOKE WASTE TRANS WASTE	09/12/2019 09/12/2019 09/12/2019 09/12/2019	20310851 PV-200126 20310851 PV-200126 20310851 PV-200126 20310851 PV-200126	907.26 1,202.97 79.52 132.58	N N N N
( 0) - 0						N
013908 CIT TECHNOLOGY FINANCING SERVICES INC PO BOX 1638 LIVINGSTON, NJ 07039	262.76	33966647 CMS LEASE	09/05/2019	20309503 PO-200440	262.76	N
( 0) - 0						N
000201 CITY OF ISLETON P.O. BOX 716 101 SECOND STREET ISLETON, CA 95641	411.05	75670 ISLE SEWER	09/05/2019	20309504 PO-200121	411.05	N
(916) 777-7770						N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000077 CITY OF RIO VISTA 1 MAIN STREET RIO VISTA, CA 94571	14,379.82	DO SEWER	09/24/2019	20312755 PV-200161	172.84	N
		RVHS WATER	09/24/2019	20312755 PV-200161	3,633.27	N
		RVHS SEWER	09/24/2019	20312755 PV-200161	6,658.32	N
		DHW WATER	09/24/2019	20312755 PV-200161	1,309.04	N
( 0) - 0 N RIO VISTA FIRE		RMS WATER	09/24/2019	20312755 PV-200161	1,428.74	N
		DO WATER	09/24/2019	20312755 PV-200161	179.42	N
		RMS SEWER	09/24/2019	20312755 PV-200161	998.19	N
014088 CLINE, SUZANNE 501 CALIFORNIA ST RIO VISTA, CA 94571	156.72	ISLE PRSCL SUPPLIES	09/05/2019	20309521 PO-200294	156.72	N
( 0) - 0 N						
014215 CONTERRA ULTRA BROADBAND PO BOX 281357 ATLANTA, GA 30384-1357	1,800.22	DW NETWORK	09/12/2019	20310852 PV-200127	15,104.85	N
		DW NETWORK	09/12/2019	20310852 PV-200127	16,905.07	N
(704) 936-1722 N						
011800 CONTINENTAL ATHLETIC SUPPLY 1050 HAZEL ST. P.O. BOX 128 GRIDLEY, CA 95948	3,807.26	97632 DHS FTBL HELMET CONDITIO	09/05/2019	20309525 PV-200115	1,355.58	N
		97858 DHS SUPPLIES	09/24/2019	20312756 PV-200162	2,451.68	N
(530) 846-4711 N						
011721 CORWIN PRESS 2455 TELLER ROAD THOUSAND OAKS, CA 91320-7243	27,667.96	372897KI-372785KI ED SV	09/24/2019	20312748 PO-200554	27,667.96	N
(805) 499-0721 N						
011787 COSUMNES RIVER COLLEGE COMMUNITY EDUCATION 8401 CENTER PARKWAY SACRAMENTO, CA 95823	900.00	DHS IVAN GARCIA SCHOLARSHIP	09/24/2019	20312747 PO-200592	500.00	N
		DHS D. BETTENCOURT SCHOLARSHIP	09/24/2019	20312747 PO-200593	400.00	N
( ) - N						

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014569 CPI 10850 W. PARK PLACE SUITE 600 MILWAUKEE, WI 53224  (888) 426-2184	150.00	IUS0150168 SP ED DUES	09/05/2019	20309526 PV-200116	150.00	N
001564 CROCKER ART MUSEUM ASSOC 216 "O" STREET SACRAMENTO, CA 95814  ( 0) - 0	975.00	DHW COMMUNITY ART NIGHT	09/12/2019	20310812 PO-200553	975.00	N
013876 DATAPATH PO BOX 396009 SAN FRANCISCO, CA 94139  (888) 693-2827	14,412.72	143551 DW IT SERVICES 143551 DW IT SERVICES 143551 DW IT SERVICES 143551 DW IT SERVICES 143551 DW IT SERVICES 143358 TRANS COMPUTER 143674 ED SV LAPTOP PROTCTN DO BATTERY BACKUP RMS BATTERY BACKUP 142987 RMS CHROMEBOOKS	09/05/2019 09/05/2019 09/05/2019 09/05/2019 09/05/2019 09/17/2019 09/19/2019 09/24/2019 09/24/2019 09/26/2019	20309505 PO-200010 20309505 PO-200010 20309505 PO-200010 20309505 PO-200010 20309520 PO-200010 20311521 PO-200429 20312103 PO-200497 20312744 PO-200492 20312744 PO-200492 20313458 PO-200250	114.83 114.83 114.83 10,908.85 229.66 695.24 98.00 261.02 261.02 1,614.44	N N N N N N N N N N
013722 DE LAGE LANDEN PUBLIC FINANCE 1111 OLD EAGLE SCHOOL ROAD WAYNE, PA 19087  (800) 736-0220	1,282.31	64802668 F5 LEASE 64802657 WG LEASE 64921986 BUS OFF SAVIN LEASE 64898090 DO SAVIN LEASE 64898090 DO SAVIN LEASE 65206921 ED SV LEASE 65206921 ED SV LEASE	09/05/2019 09/12/2019 09/19/2019 09/19/2019 09/19/2019 09/26/2019 09/26/2019	20309506 PO-200236 20310827 PO-200002 20312112 PO-200078 20312112 PO-200079 20312112 PO-200079 20313468 PO-200077 20313468 PO-200077	80.81 167.01 176.51 169.36 500.00 50.00 138.62	N N N N N N N
012807 DELTA ELEMENTARY CHARTER SCHOOL 36230 N SCHOOL ST CLARKSBURG, CA 95612  (916) 995-1335	248,189.00	SEPTEMBER 2019 TAX IN LIEU	09/05/2019	20309527 PV-200117	248,189.00	N
014067 DISCOVERY OFFICE SYSTEMS	268.87	55E1524114 WG MAINT AGRMNT	09/05/2019	20309507 PO-200003	50.45	N

1269 CORPORATE CENTER PARKWAY  
SANTA ROSA, CA 95407

(707) 570-1000 N

55E1527413	BATES MAINT AGRMNT	09/19/2019	20312113	PO-200265	89.95	N
55E1521388	BATES MAINT AGRMNT	09/26/2019	20313469	PO-200265	34.58	N
55E1528912	ISLE MAINT CONTRACT	09/26/2019	20313469	PO-200295	93.89	N

---



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
000188 DOLK TRACTOR COMPANY 242 N. FRONT STREET RIO VISTA, CA 94571	40,000.00	3902 MAINT EXCAVATOR 3902 MAINT MOWER	09/19/2019 09/19/2019	20312104 PO-200543 20312104 PO-200543	36,195.57 3,804.43	N N
( 0) - 0						N
014960 DORA DOME LAW 5111 TELEGRAPH AVE #164 OAKLAND, CA 94609	4,500.00	1337 DO LAW FEE AGRMNT	09/05/2019	20309508 PO-200446	4,500.00	Y
( 0) - 0						Y
000116 DS WATERS OF AMERICA INCS 5660 NEW NORTHSIDE DRIVE SUITE 500 ATLANTA, GA 30328	153.32	5005834 DO WATER	09/17/2019	20311537 PV-200142	153.32	N
( 0) - 0						N DS WATERS OF A
010469 E.F. KLUDT & SONS INC P.O. BOX 166 LODI, CA 95241-0166	5,421.21	254802/254732 TRANS OIL 255100 TRANS FUEL 255863/255862 TRANS FUEL 255587/255709 TRANS OIL	09/05/2019 09/12/2019 09/26/2019 09/26/2019	20309509 PO-200164 20310828 PO-200151 20313470 PO-200151 20313470 PO-200164	405.24 1,789.23 2,946.88 279.86	N N N N
( 0) - 0						N
014414 EASY ENGLISH TIMES PO BOX 5614 NAPA, CA 94581	14.00	4457 WIND RIVER NEWSPAPERS	09/12/2019	20310866 PV-200140	14.00	N
(707) 253-9641						N
011762 EDUCATIONAL SERVICE PRODUCTS A SUBSIDIARY OF K/P CORP 3700 SEAPORT BLVD WEST SACRAMENTO, CA 95691-3525	337.71	1030617 HEALTH FOLDERS	09/12/2019	20310816 PO-200350	337.71	N
(800) 498-4377						N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013809 ESPERSON, CHRISTINA 178 EDGEWATER DRIVE RIO VISTA, CA 94571  ( 0) - 0 N	163.56	DHW MILEAGE	09/12/2019	20310869 TC-200038	163.56	N
002596 EXPLORIT SCIENCE CENTER P.O. BOX 1288 DAVIS, CA 95617-1288  (530) 756-0191 N	1,013.31	#5262 STALEDATE 19455729	09/17/2019	20311543 PV-200148	1,013.31	N
013912 FLORAL RESOURCES SACRAMENTO 1127 FEE DRIVE SACRAMENTO, CA 95815  (916) 504-3591 Y	467.61	116283 DHS AG FLORAL SUPPLIES 118599/118439 DHS AG FLORAL SP	09/12/2019 09/19/2019	20310829 PO-200504 20312114 PO-200504	398.97 68.64	7 7
011606 FOUNDATION FOR EDUCATIONAL ADMINISTRATION 1575 BAYSHORE HIGHWAY BURLINGAME, CA 94010  (650) 692-4300 N	1,814.00	17530 SUPT ACADEMY ES260-092019-4404 SUPT NEG SYM	09/12/2019 09/12/2019	20310813 PO-200495 20310853 PV-200128	1,285.00 529.00	N N
010872 FREDRIC H JONES & ASSOCIATES 103 QUARRY LANE SANTA CRUZ, CA 95060-2052  (831) 425-8222 N	350.00	499 RMS ROUNDS CONF	09/26/2019	20313459 PO-200513	350.00	N
011339 FRONTIER COMMUNICATIONS CORPORATION THREE HIGH RIDGE PARK STAMFORD, CT 06905  ( 0) - 0 N	3,890.66	MOKE ALARM RVHS ALARM DO DHW ALARM DO TRANS TRANS MAINT	09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019	20310854 PV-200129 20310854 PV-200129 20310854 PV-200129 20310854 PV-200129 20310854 PV-200129 20310854 PV-200129 20310854 PV-200129 20310854 PV-200129	124.67 124.67 1,070.29 124.67 146.77 66.82 52.33 45.39	N N N N N N N N

MAINT	09/12/2019	20310854	PV-200129	108.03	N
MAINT	09/12/2019	20310854	PV-200129	39.51	N
MOKE	09/12/2019	20310854	PV-200129	66.95	N
RVHS	09/12/2019	20310854	PV-200129	224.30	N
RVHS	09/12/2019	20310854	PV-200129	175.81	N
ISLE	09/12/2019	20310854	PV-200129	157.43	N
CMS ALARM	09/12/2019	20310854	PV-200129	66.95	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
-----						
011339 FRONTIER COMMUN (Continued...)		ISLE	09/12/2019	20310854 PV-200129	113.95	N
		DHW	09/12/2019	20310854 PV-200129	95.39	N
		RMS	09/12/2019	20310854 PV-200129	95.53	N
		RMS	09/12/2019	20310854 PV-200129	119.40	N
		RMS	09/12/2019	20310854 PV-200129	95.53	N
		RMS	09/12/2019	20310854 PV-200129	265.17	N
		WG	09/12/2019	20310854 PV-200129	93.63	N
		CMS	09/12/2019	20310854 PV-200129	51.68	N
		ISLE ALARM	09/12/2019	20310854 PV-200129	66.95	N
		WG ALARM	09/12/2019	20310854 PV-200129	66.95	N
		BATES ALARM	09/12/2019	20310854 PV-200129	66.95	N
		TRANS ALARM	09/12/2019	20310854 PV-200129	56.64	N
		ISLE LD 91671212588	09/24/2019	20312757 PV-200163	108.30	N
-----						
014234 GIRARD EDWARDS STEVENS & TUCKER LLP., ATTORNEYS AT LAW 8801 FOLSOM BLVD STE 285 SACRAMENTO, CA 95826	3,395.00	2150 ATTY FEES	09/12/2019	20310855 PV-200130	232.50	Y
		2150 ATTY FEES	09/12/2019	20310855 PV-200130	220.00	Y
		2150 ATTY FEES	09/12/2019	20310855 PV-200130	2,090.00	Y
		2150 ATTY FEES	09/12/2019	20310855 PV-200130	852.50	Y
(916) 706-1255						Y
-----						
014573 GREAT AMERICA FINANCIAL SVCS PO BOX 660831 DALLAS, TX 75266-0831	685.33	25523885 DHS LEASE	09/17/2019	20311525 PO-200339	375.38	N
		25568220 CMS LEASE	09/26/2019	20313471 PO-200316	309.95	N
(877) 311-4422						N
-----						
000711 GROW WEST PARTS 14301 RAILROAD AVE WALNUT GROVE, CA 95690-	106.93	13112 MAINT SUPPLIES	09/26/2019	20313472 PO-200412	106.93	N
(916) 776-1744						N THE LYMAN GROU
-----						
012617 GUGGEMOS, WILLIAM 78 BRUNING AVENUE RIO VISTA, CA 94571	36.54	ISLE MILEAGE	09/05/2019	20309536 TC-200033	36.54	N
( ) -						N
-----						

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014868 HALL, SARA PO BOX 9586 TRUCKEE, CA 96162  (916) 640-3533	3,875.00	SP ED ASSESSMNTS 8/19	09/05/2019	20309510 PO-200064	3,875.00	Y
014500 HAND IN HAND THERAPEUTICS 214 ELMWOOD AVE MODESTO, CA 95354  (209) 604-8533	4,175.00	SP ED OCC THERAPY W/E 8/28 SP ED OCC THERAPY W/E 9/12 SP ED OCC THERAPY W/E 9/19	09/12/2019 09/19/2019 09/26/2019	20310830 PO-200289 20312115 PO-200289 20313473 PO-200289	1,500.00 1,300.00 1,375.00	Y Y Y
000472 HENRY GO MD INC P.O. BOX 338 COURTLAND, CA 95615  ( ) -	353.00	10623 DMV EXAMS	09/26/2019	20313487 PV-200177	353.00	6 Y
012352 HOME DEPOT 2121 CADENASSO DRIVE FAIRFIELD, CA 94533  (707) 426-9600	960.31	DHS AG SUPPLIES DHS AG SUPPLIES	09/12/2019 09/12/2019	20310832 PO-200333 20310832 PO-200333	480.16 480.15	N N
003538 HOME DEPOT CREDIT SERVICES DEPT 32-2500439736 P.O. BOX 78047 PHOENIX, AZ 85062-8047  ( 0) - 0	1,318.12	MAINT SUPPLIES RVHS AG SUPPLIES RVHS AG SUPPLIES	09/12/2019 09/12/2019 09/12/2019	20310831 PO-200171 20310831 PO-200251 20310831 PO-200251	1,073.36 122.38 122.38	N N N
012272 HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY 222 BERKELEY STREET BOSTON, MA 02116  (800) 225-5425	838.97	954529448 ED SV BOOKS 954529447 ED SV BOOKS	09/05/2019 09/05/2019	20309499 PO-200397 20309499 PO-200415	147.83 691.14	N N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013807 HUBERT COMPANY LLC 9555 DRY FORK ROAD HARRISON, OH 45030	374.28	617943/617970 CAFE SUPPLIES 662121/662324 CAFE SUPPLIES	09/05/2019 09/26/2019	20309522 PO-200410 20313483 PO-200410	194.81 179.47	N N
(800) 543-7374		N K + K AMERICA				
011917 INDOFF 11816 LACKLAND AVENUE ST. LOUIS, MO 63146-4206	4,045.64	3267584 DO COPY PAPER 3267584 DO COPY PAPER 3267584 DO COPY PAPER 3267584 DO COPY PAPER 3267584 DO COPY PAPER 3267586/3287178 RVHS SUPPLIES 3287179 RVHS SUPPLIES 3291638 ISLE SUPPLIES 3292163 RVHS SUPPLIES 3292163 RVHS SUPPLIES 3280929 RVHS SUPPLIES	09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/17/2019 09/17/2019 09/26/2019 09/26/2019 09/26/2019 09/26/2019	20310814 PO-200011 20310814 PO-200011 20310814 PO-200011 20310814 PO-200011 20310814 PO-200011 20311527 PO-200123 20311527 PO-200125 20313475 PO-200117 20313475 PO-200126 20313475 PO-200126 20313460 PO-200386	709.40 157.65 157.65 157.65 1,445.09 186.03 479.99 57.08 235.17 235.17 224.76	N N N N N N N N N N N
(707) 374-4037		N				
000107 INLAND BUSINESS SYSTEMS 1500 NO. MARKET SACRAMENTO, CA 95834-1912	300.32	IN414007 RVHS MAINT AGRMNT	09/17/2019	20311528 PO-200327	300.32	N
(916) 928-0770		N				
010859 JONES SCHOOL SUPPLY CO INC PO BOX 7008 COLUMBIA, SC 29201	590.06	1713277 DHW SUPPLIES	09/12/2019	20310815 PO-200444	590.06	N
(800) 845-1807		N				
014682 JONES, ZAIDA 10267 CROYDON WAY RANCHO CORDOVA, CA 95670	86.42	SP ED MILEAGE	09/12/2019	20310870 TC-200039	86.42	N
( 0) - 0		N				
012005 KIRK KENNER DBA DELTA REFRIDG 5 HILL CT. RIO VISTA, CA 94571	396.04	5243 MAINT REPAIRS	09/12/2019	20310833 PO-200173	396.04	7

(707) 374-6213

Y KENNER, KIRK

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
011311 LA RUE COMMUNICATIONS 521 E. MINER AVE STOCKTON, CA 95202  (209) 463-1900                      Y    LA RUE, KNOX J	330.00	6557 TRANS UHF SERVICE	09/12/2019	20310834 PO-200154	330.00	7
000203 LAKESHORE LEARNING MATERIALS 2695 E DOMINGUEZ STREET CARSON, CA 90895  (800) 424-4772                      N	1,898.13	5168210819 F5 SUPPLIES 114270819 F5 SUPPLIES 1832160919 SP ED ISLE PRSCL SP 1832160919 SP ED ISLE PRSCL SP 5431620819 DHS KINDER SUPPLIES	09/17/2019 09/17/2019 09/19/2019 09/19/2019 09/26/2019	20311529 PO-200356 20311529 PO-200356 20312105 PO-200581 20312111 PO-200581 20313461 PO-200418	497.38 327.25 486.09 34.49 552.92	N N N N N
000548 LIRAS SUPERMARKET 609 HWY 12 RIO VISTA, CA 94571  (707) 374-5399                      N	390.74	#135 ED SV SUPPLIES #175 DHW SUPPLIES	09/12/2019 09/17/2019	20310835 PO-200049 20311530 PO-200208	363.82 26.92	N N
013206 LOWE'S 8369 POWER INN ROAD ELK GROVE, CA 95624-3464  (866) 232-7443                      N	338.38	MAINT SUPPLIES	09/17/2019	20311531 PO-200172	338.38	N
014665 LOY MATTISON ENTERPRISES 7038 ALMOND HILL COURT ORANGEVALE, CA 95662  ( 0) - 0                              Y	870.00	70119081519 ERATE PROF SERV	09/19/2019	20312116 PO-200185	870.00	Y
014144 MARTINEZ, SANDRA PO BOX 298 ISLETON, CA 95641  ( 0) - 0                              N	138.48	F5 SUPPLIES F5 SUPPLIES	09/05/2019 09/26/2019	20309512 PO-200353 20313476 PO-200353	122.59 15.89	N N
014819 MAVERICK NETWORKS INC. 7060 KOLL CENTER PKWY#306	21,648.02	1901366 3 YR SFTWR COVERAGE	09/26/2019	20313462 PO-200547	21,648.02	N



PLEASANTON, CA 94566

(925) 931-1900

N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014811 MCCARTY, HANOCH 12970 SELF ESTEEM LANE GALT, CA 95632  (209) 601-2940 Y	406.72	SP ED PROF SERV	09/12/2019	20310836 PO-200066	406.72	Y
014107 MCCARTY, MELADEE 12970 SELF-ESTEEM LANE GALT, CA 95632  (209) 601-2940 Y	760.00	SP ED PROF SERV	09/05/2019	20309513 PO-200065	760.00	Y
011392 MCGRAW HILL SCHOOL PUBLISHING 220 E DANIELDALE ROAD DESOTO, TX 75115  (614) 755-4151 N	672.04	109585333001 ED SV BOOKS	09/19/2019	20312110 PO-200477	672.04	N
014657 MEDICAL BILLING SYSTEMS 1175 SHAW AVENUE #104 CLOVIS, CA 93612  (888) 381-7066 N	990.00	1108 MEDICAL REIM 18/19	09/17/2019	20311544 PV-200149	990.00	N
012837 MOBILE MODULAR 5700 LAS POSITAS ROAD LIVERMORE, CA 94551  (925) 606-9000 N MCGRATH RENTCO	595.00	1980769 MODULAR LEASE	09/24/2019	20312767 PV-200172	595.00	N
014554 MORENO SOTO, MARIA ARELY 232 SASHA ROSE DR. GALT, CA 95632  ( 0) - 0 N	39.76	ISLE PRESCL STALEDATE 19455759	09/17/2019	20311545 PV-200150	39.76	N
014970 MOTION PICTURE LICENSING CORP PO BOX 80144	128.50	504221188 F5 MOVIE LICENSING	09/12/2019	20310817 PO-200533	128.50	N

CITY OF INDUSTRY, CA 917168144

(800) 462-8855

N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013945 MUSIC K-8 PO BOX 26627 WAUWATOSA, WI 53220	38.35	20-007541 WG SUPPLIES	09/19/2019	20312107 PO-200438	38.35	N
		20-007541 WG SUPPLIES	09/19/2019	20312107 PO-200438	3.12	N
		20-007541 WG SUPPLIES	09/19/2019	20312107 PO-200438	3.12	N
(800) 437-0832						N
013877 NORRIS, CARRIE 4833 STEPPE COURT ELK GROVE, CA 95757	812.75	WG SUPPLIES	09/17/2019	20311532 PO-200194	131.89	N
		WG SUPPLIES	09/17/2019	20311532 PO-200197	84.78	N
		WG SUPPLIES	09/24/2019	20312768 TC-200044	50.47	N
		WG SUPPLIES	09/26/2019	20313477 PO-200194	133.55	N
( 0) - 0		WG SUPPLIES	09/26/2019	20313477 PO-200359	412.06	N
014016 O'REILLY AUTO PARTS 233 S PATTERSON SPRINGFIELD, MO 65802	274.72	1468127 TRANS PARTS	09/12/2019	20310837 PO-200162	274.72	N
( 0) - 0						N O'REILLY AUTOM
010203 OCCUPATIONAL HEALTH PO BOX 39000 DEPT 33404 SAN FRANCISCO, CA 94139-3404	120.00	OH50323 DOT PHYSICAL	09/24/2019	20312758 PV-200164	120.00	N
(707) 399-6068						N NORTHBAY HEALT
000193 OILWELL MATERIALS & HARDWARE CO INC 506 STATE HIGHWAY 12 RIO VISTA, CA 94571	560.92	#676 MAINT SUPPLIES	09/12/2019	20310818 PO-200319	466.45	N
		#822 RVHS SUPPLIES	09/26/2019	20313478 PO-200124	94.47	N
( 0) - 0						N
014465 PARKER & COVERT LAW OFFICE 17862 EAST SEVENTEENTH ST#204 EAST BUILDING TUSTIN, CA 92780	75.00	72148 ATTY FEES	09/24/2019	20312759 PV-200165	75.00	Y
(714) 573-0900						Y PARKER & COVE

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013692 PATIN, ANGELA 633 MADERE WAY RIO VISTA, CA 94571	160.08	ISLE NURSE MILEAGE	09/12/2019	20310871 TC-200040	160.08	N
( 0) - 0						N
014392 PAULS, HOLLY PO BOX 511 WALNUT GROVE, CA 95690	150.80	WG MILEAGE	09/24/2019	20312769 TC-200045	150.80	N
(916) 776-1215						N
013086 PEARSON EDUCATION INC 501 BOLYSTON STREET SUITE 900 BOSTON, MA 02116	2,584.39	4025922720 ED SV BOOKS 6331283 SP ED SUPPLIES	09/05/2019 09/19/2019	20309529 PV-200119 20312106 PO-200453	238.89 2,345.50	N N
(800) 848-9500						N
003270 PG&E 685 EMBARCADERO DRIVE SACRAMENTO, CA 95605	51,384.35	CMS DO N.NETH RMS GARAGE ISLE LIFT PUMP DHW DHW DO RVHS DHS SCH PUMP DHS RVHS LTS LTS LTS SHOP GARAGE RADIO RIO ELECT DHW ELECT	09/05/2019 09/12/2019 09/17/2019	20309530 PV-200120 20310857 PV-200131 20311546 PV-200151	2,706.43 1,631.13 46.53 5,164.17 86.79 5,352.82 103.19 273.90 9,933.93 44.35 168.69 4,541.99 137.99 6,799.06 13,947.21 23.28 12.92 36.19 71.83 249.65 29.13 23.17	N N
( 0) - 0		N PACIFIC GAS AN				

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013458 PITNEY BOWES INC 1 ELMCROFT ROAD STAMFORD, CT 06926-0700  (800) 228-1071	370.12	3103369489 POSTAGE MACHINE LS	09/05/2019	20309514 PO-200080	370.12	N
013554 POINT QUEST 6600 44TH STREET SACRAMENTO, CA 95823  (916) 422-0571	23,293.64	705 SP ED INST ASSTS 132588 SP ED NPS FEES 332575 SP ED NPS FEES 332567 SP ED NPS FEES 332539 SP ED NPS FEES	09/12/2019 09/12/2019 09/17/2019 09/17/2019 09/17/2019	20310838 PO-200296 20310838 PO-200297 20311533 PO-200298 20311533 PO-200298 20311533 PO-200298	13,613.20 2,669.40 275.00 433.00 6,303.04	N N N N N
012857 PRISTINE REHAB CARE 706 N. DIAMOND BAR BLVD STE #B DIAMOND BAR, CA 91765  (317) 371-3866	25,456.00	6326/6325 SP ED SPCH THERAPY	09/12/2019	20310839 PO-200067	25,456.00	7
001271 PRO-ED 8700 SHOAL CREEK BLVD AUSTIN, TX 78757  (800) 897-3202	629.20	2772876 SP ED SUPPLIES	09/24/2019	20312760 PV-200166	629.20	N
014971 PROTECT CONNECT EDUCATE SOLUTIONS 24513 HAYES AVENUE MURRIETA, CA 92562  ( 0) - 0	1,197.00	WG SPRING CLIMATE CONF WG SPRING CLIMATE CONF	09/12/2019 09/12/2019	20310819 PO-200527 20310819 PO-200527	516.48 680.52	N N
011770 QUALITY SOUND SYSTEMS P.O. BOX 5501 2010 EAST FREMONT ST STOCKTON, CA 95205  ( ) -	774.01	53537 DHS BOYS LOCKER RM REPRS 53604 DHS BOYS LOCKER ROOM	09/12/2019 09/17/2019	20310858 PV-200132 20311547 PV-200152	360.00 414.01	N N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
001048 QUILL CORPORATION 100 SCHELTER ROAD LINCOLNSHIRE, IL 60094-0600  (800) 789-8965 N	1,565.84	9555694 CMS SUPPLIES	09/12/2019	20310840 PO-200371	1,565.84	N
012473 RENAISSANCE LEARNING INC PO BOX 8036 2911 PEACH STREET WISCONSIN RAPIDS, WI 54495-8036  (800) 338-4204 N	410.25	4506340 WIND RIVER SUBSCRPTIN	09/12/2019	20310822 PO-200496	410.25	N
014859 RIO VISTA BAKERY & CAFE 150 MAIN STREET RIO VISTA, CA 94571  (707) 374-3844 N	51.38	RVHS SUPPLIES	09/17/2019	20311534 PO-200324	51.38	N
014071 RIO VISTA BEACON PO BOX 726 BRENTWOOD, CA 94513  (925) 550-7811 N	205.00	98712 EMPLOYMENT AD 989 WIND RIVER AD	09/12/2019 09/24/2019	20310859 PV-200133 20312765 PV-200167	30.00 175.00	N N
012016 RIO VISTA PIZZA FACTORY 201 MAIN STREET RIO VISTA, CA 94571  ( ) - N	177.33	ED SV SUPPLIES ED SV SUPPLIES	09/19/2019 09/26/2019	20312117 PO-200299 20313479 PO-200299	99.48 77.85	N N
010239 RIO VISTA SANITATION P.O. BOX 607 RIO VISTA, CA 94571-0607  ( 0) - 0 N	3,311.10	DO GARBAGE SERV RVHS WASTE DHW WASTE	09/05/2019 09/12/2019 09/12/2019	20309528 PV-200121 20310856 PV-200134 20310856 PV-200134	118.88 1,744.19 1,448.03	N N N
000729 RIVER NEWS HERALD	20.00	6-7563 EMPLOYMENT AD	09/12/2019	20310860 PV-200135	20.00	N

21 S FRONT STREET  
RIO VISTA, CA 94571

( 0) - 0

N GIBSON PUBLICA

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014967 RIVERSIDE INSIGHTS ONE PIERCE PLACE #900W ITASCA, IL 60143	1,100.18	6772 SP ED SUPPLIES	09/19/2019	20312108 PO-200452	1,100.18	Y
( 0) - 0						Y
012796 ROSSI, MARCY 128 N SECOND STREET RIO VISTA, CA 94571	222.62	RMS SUPPLIES RMS SUPPLIES	09/12/2019 09/12/2019	20310841 PO-200261 20310841 PO-200261	89.05 133.57	N N
( 0) - 0						N
014118 ROTARY CLUB OF WALNUT GROVE PO BOX 81 WALNUT GROVE, CA 95690	160.00	1793 WG NORRIS MMBRSHIP	09/17/2019	20311522 PO-200555	160.00	N
( ) -						N
014510 RSD TOTAL CONTROL 10170 CROYDON WAY SACRAMENTO, CA 95827	492.01	37300 MAINT SUPPLIES 63166800 MAINT SUPPLIES	09/12/2019 09/26/2019	20310842 PO-200174 20313480 PO-200174	462.67 29.34	N N
(916) 369-0203						N
000095 S M U D P.O. BOX 15555 SACRAMENTO, CA 95852	9,757.39	WG WG WG WG BATES BATES TRANS TRANS BATES ELECT	09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019 09/17/2019	20310861 PV-200137 20310861 PV-200137 20310861 PV-200137 20310861 PV-200137 20310861 PV-200137 20310861 PV-200137 20310861 PV-200137 20310861 PV-200137 20311548 PV-200153	33.16 3,008.27 1,324.72 27.11 4,727.18 490.80 104.24 13.55 28.36	N N N N N N N N N
( 0) - 0						N
012885 SALOMON, TRISHA 50 YOSEMITE DRIVE RIO VISTA, CA 94571	169.28	ED SV SUPPLIES ED SV/SP ED MILEAGE ED SV/SP ED MILEAGE	09/12/2019 09/26/2019 09/26/2019	20310872 TC-200041 20313489 TC-200048 20313489 TC-200048	43.98 69.60 55.70	N N N
( 0) - 0						N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
003501 SCHOLASTIC INC 2931 EAST MCCARTY STREET JEFFERSON CITY, MO 65101	978.66	M68398668 ED SV SUPPLIES M68398668 ED SV SUPPLIES M68398668 ED SV SUPPLIES	09/26/2019 09/26/2019 09/26/2019	20313463 PO-200302 20313463 PO-200302 20313463 PO-200302	79.52 79.52 978.66	N N N
(800) 724-6527						N
003318 SCHOOL SPECIALTY INC W6316 DESIGN DRIVE GREENVILLE, WI 54942	232.03	208123825489 DHS SUPPLIES 208123879254 DHS SUPPLIES 208123814345 WG SUPPLIES	09/12/2019 09/19/2019 09/19/2019	20310843 PO-200365 20312118 PO-200365 20312109 PO-200435	18.62 65.04 148.37	N N N
( 0) - 0						N
000316 SCHOOLS INSURANCE AUTHORITY P.O. BOX 276710 SACRAMENTO, CA 95827-6710	717.50	REAP 092020.14 EMP ASST PRGRM REAP 092020.14 EMP ASST PRGRM	09/24/2019 09/24/2019	20312761 PV-200169 20312761 PV-200169	365.93 351.57	N N
( 0) - 0						N
013193 SCOE P.O. BOX 269003 10474 MATHER BLVD SACRAMENTO, CA 95826	2,269.63	200676 TEACHER YR BANQUET 200548 THARP CREDENTIAL PROGRAM 192642 BATES SLY PARK	09/05/2019 09/12/2019 09/24/2019	20309500 PO-200414 20310862 PV-200136 20312762 PV-200168	420.00 1,750.00 99.63	N N N
( 0) - 0						N
000055 SIA DELTA DENTAL P.O. BOX 276710 SACRAMENTO, CA 95827-6710	3,647.99	SEPTEMBER 2019 PREMIUMS SEPTEMBER 2019 PREMIUMS	09/17/2019 09/17/2019	20311549 PV-200155 20311549 PV-200155	1,210.55 2,437.44	N N
( 0) - 0						N
000056 SIA VISION SERVICE P.O. BOX 276710 SACRAMENTO, CA 95827-6710	663.32	SEPTEMBER 2019 PREMIUMS SEPTEMBER 2019 PREMIUMS SEPTEMBER 2019 PREMIUMS	09/17/2019 09/17/2019 09/17/2019	20311550 PV-200154 20311550 PV-200154 20311550 PV-200154	28.84 346.08 288.40	N N N
( 0) - 0						N
012013 SIERRA CHEMICAL COMPANY	290.16	125961 MAINT SUPPLIES	09/12/2019	20310844 PO-200465	290.16	N

788 NORTHPORT DRIVE  
WEST SACRAMENTO, CA 95691

(916) 371-5943

N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014402 SIERRA DELTA LEAGUE PO BOX 105 GARDEN VALLEY, CA 95633  ( 0) - 0 N	2,617.70	4-2019-20 RVHS DUES	09/24/2019	20312749 PO-200549	2,617.70	N
014454 SINGH, PRITIKA 212 WEST HWY 220 RYDE, CA 95680  (916) 491-0657 N	433.84	PARENT MILEAGE	09/12/2019	20310873 TC-200042	433.84	N
014085 SMALL SCHOOL DISTRICTS ASSOC. 925 L STREET SUITE 1200 SACRAMENTO, CA 95814  (916) 444-9335 N	150.00	17-02247 WRIGHT SUPT SUMMIT	09/12/2019	20310820 PO-200506	150.00	N
012084 SODEXO INC & AFFILIATES DEPT. 43283 LOS ANGELES, CA 90088-3283  ( 0) - 0 N	6,253.21	JULY MEALS CAFE	09/24/2019	20312766 PV-200173	6,253.21	N
011563 SPEARS, SHANAN 2436 MORAINNE CIRCLE RANCHO CORDOVA, CA 95670  (916) 744-1011 N	239.88	DHS AG SUPPLIES DHS AG SUPPLIES DHS AG SUPPLIES DHS AG SUPPLIES	09/05/2019 09/05/2019 09/17/2019 09/17/2019	20309515 PO-200360 20309515 PO-200360 20311535 PO-200360 20311535 PO-200360	71.07 71.07 48.87 48.87	N N N N
014069 STAPLES ADVANTAGE 500 STAPLES DRIVE FRAMINGHAM, MA 01702  ( 0) - 0 N	7,144.13	3423313865 HR SUPPLIES 3423067171 DHW COPY PAPER 3423067171 DHW COPY PAPER 3423067171 DHW COPY PAPER 342323021 DHW SUPPLIES 3424087165 DHS SUPPLIES 3424087165 DHS SUPPLIES 3424087165 DHS SUPPLIES	09/05/2019 09/05/2019 09/05/2019 09/05/2019 09/12/2019 09/12/2019 09/12/2019 09/12/2019	20309516 PO-200052 20309516 PO-200247 20309516 PO-200247 20309516 PO-200247 20310845 PO-200228 20310845 PO-200334 20310845 PO-200334 20310845 PO-200334	283.31 1,000.00 409.33 600.00 126.15 .42 119.97 119.97	N N N N N N N N

3424087165	DHS SUPPLIES	09/12/2019	20310845	PO-200334	.42-	N
3424087165	DHS SUPPLIES	09/12/2019	20310845	PO-200334	.42-	N
3424087165	DHS SUPPLIES	09/12/2019	20310845	PO-200334	.42	N
3424389587	WIND RIVER SUPPILES	09/12/2019	20310849	PO-200404	618.96	N
3424648209	HR SUPPLIES	09/17/2019	20311536	PO-200052	43.95	N
3424389582	MAINT SUPPLIES	09/17/2019	20311536	PO-200058	52.84	N
3424389583	DHW SUPPLIES	09/17/2019	20311536	PO-200214	56.39	N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014069 STAPLES ADVANTA (Continued...)		3424389584 DHW SUPPLIES	09/17/2019	20311536 PO-200218	62.53	N
		3423223012 DHW SUPPLIES	09/17/2019	20311536 PO-200218	27.23	N
		3423313866 DHW SUPPLIES	09/17/2019	20311536 PO-200226	17.61	N
		3423223014 DHW SUPPLIES	09/17/2019	20311536 PO-200226	27.55	N
		3424087153 DHW SUPPLIES	09/17/2019	20311536 PO-200226	22.15	N
		3424087154 DHW SUPPLIES	09/17/2019	20311536 PO-200226	16.86	N
		3423223013 DHW SUPPLIES	09/17/2019	20311536 PO-200226	5.56	N
		3424087159 DHW SUPPLIES	09/17/2019	20311536 PO-200226	8.86	N
		3424087161 DHW SUPPLIES	09/17/2019	20311536 PO-200226	49.29	N
		3424087156 DHW SUPPLIES	09/17/2019	20311536 PO-200226	27.67	N
		3424087151 DHW SUPPLEIS	09/17/2019	20311536 PO-200226	32.85	N
		3424087163 DHW SUPPLIES	09/17/2019	20311536 PO-200244	31.24	N
		3422720078 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.36	N
		3422720078 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.36	N
		3422567037 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.34	N
		3422861606 ASP SUPPLIES	09/17/2019	20311536 PO-200425	7.91	N
		3422567037 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.34	N
		3422720078 ASP SUPPLIES	09/17/2019	20311536 PO-200425	103.43	N
		3422567038 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.07	N
		3422567038 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.07	N
		3422567038 ASP SUPPLIES	09/17/2019	20311536 PO-200425	18.79	N
		3422861606 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.03	N
		3422861606 ASP SUPPLIES	09/17/2019	20311536 PO-200425	.03	N
		3422567037 ASP SUPPLIES	09/17/2019	20311536 PO-200425	98.99	N
		3424389586 F5 SUPPLIES	09/19/2019	20312119 PO-200355	.25	N
		3424389586 F5 SUPPLIES	09/19/2019	20312119 PO-200355	.25	N
		3424389586 F5 SUPPLIES	09/19/2019	20312119 PO-200355	72.50	N
		3423223015 F5 SUPPLIES	09/19/2019	20312119 PO-200355	.37	N
		3423223015 F5 SUPPLIES	09/19/2019	20312119 PO-200355	.37	N
		3425165030 CAFE SUPPLIES	09/19/2019	20312121 PO-200366	107.53	N
		3424871125 WIND RIVER SUPPLIES	09/19/2019	20312120 PO-200404	82.77	N
		3424871125 WIND RIVER SUPPLIES	09/19/2019	20312120 PO-200404	376.71	N
		3423223020 DHW SUPPLIES	09/24/2019	20312750 PO-200228	23.61	N
		3424804388 DHW SUPPLIES	09/24/2019	20312750 PO-200228	6.80	N
		342804389 DHS SUPPLIES	09/24/2019	20312750 PO-200228	10.04	N
		3424389585 DHW SUPPLIES	09/24/2019	20312750 PO-200228	71.22	N
		2424804390 DHW SUPPLIES	09/24/2019	20312750 PO-200228	11.34	N
		3425382201 WIND RIVER SUPPLIES	09/24/2019	20312753 PO-200421	1,511.59	N
		3423223017 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.07	N
		3423223016 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.09	N
		3424804393 ASP SUPPLIES	09/24/2019	20312752 PO-200425	40.28	N
		3423223016 ASP SUPPLIES	09/24/2019	20312752 PO-200425	25.12	N
		3424389588 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.04	N
		3424389588 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.04	N

3424389588	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	10.15	N
3424804393	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	.14	N
3423223017	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	21.54	N
3424955174	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	.27-	N
3424955174	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	.27	N
3424955174	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	77.56	N
3423223018	ASP	SUPPLIES	09/24/2019	20312752	PO-200425	.09-	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014069 STAPLES ADVANTA (Continued...)		3423223018 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.09	N
		3423223016 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.09	N
		3423223018 ASP SUPPLIES	09/24/2019	20312752 PO-200425	25.85	N
		3424804393 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.14	N
		3423223017 ASP SUPPLIES	09/24/2019	20312752 PO-200425	.07	N
		3424804387 DHW SUPPLIES	09/26/2019	20313464 PO-200214	185.07	N
		3422146612 DHW SUPPLIES	09/26/2019	20313481 PO-200215	84.92	N
		3424648208 DHW SUPPLIES	09/26/2019	20313481 PO-200216	39.96	N
		3422146609 DHW SUPPLIES	09/26/2019	20313481 PO-200216	52.29	N
		3422146610 DHW SUPPLIES	09/26/2019	20313481 PO-200217	35.39	N
		3421702922 DHW SUPPLIES	09/26/2019	20313481 PO-200217	61.56	N
		3422720073 DHW SUPPLIES	09/26/2019	20313481 PO-200218	65.52	N
		3424804392 DHS SUPPLIES	09/26/2019	20313481 PO-200341	.16	N
		3424087150 DHS SUPPLIES	09/26/2019	20313481 PO-200341	.16	N
		3424087150 DHS SUPPLIES	09/26/2019	20313481 PO-200341	.16	N
		3424087150 DHS SUPPLIES	09/26/2019	20313481 PO-200341	44.92	N
		3424804392 DHS SUPPLIES	09/26/2019	20313481 PO-200341	47.24	N
		3422146608 DHS SUPPLIES	09/26/2019	20313481 PO-200341	.22	N
		3422146608 DHS SUPPLIES	09/26/2019	20313481 PO-200341	.22	N
		3424804392 DHS SUPPLIES	09/26/2019	20313481 PO-200341	.16	N
		3422146608 DHS SUPPLIES	09/26/2019	20313481 PO-200341	63.26	N
-----						
014342 STAR SPORTS 5474 GATEWAY PLAZA DRIVE BENICIA, CA 94510  (707) 745-6724	3,574.00	46783 RVHS FOOTBALL UNIFORMS	09/12/2019	20310821 PO-200389	3,574.00	N
-----						
003646 STATE OF CALIFORNIA 1300 I STREET SUITE 810 SACRAMENTO, CA 95814  ( 0) - 0	258.00	400617 FINGERPRINTING	09/12/2019	20310863 PV-200138	258.00	N
-----						
013947 SUPPLY WORKS PO BOX 742056 LOS ANGELES, CA 90074-2056  (877) 577-1114	1,185.74	505651455 CMS SUPPLIES	09/05/2019	20309511 PO-200167	32.69	N
		505648261 DHS SUPPLIES	09/05/2019	20309511 PO-200167	36.19	N
		506085463 ISLE SUPPLIES	09/05/2019	20309511 PO-200167	152.75	N
		507815801 BATES SUPPLIES	09/05/2019	20309511 PO-200167	32.84	N
		505873083 WG SUPPLIES	09/05/2019	20309511 PO-200167	56.04	N
		507329886 RVHS SUPPLIES	09/17/2019	20311526 PO-200167	35.95	N

506624436	ISLE SUPPLIES	09/17/2019	20311526	PO-200167	103.98	N
506796150	DHS SUPPLIES	09/17/2019	20311526	PO-200167	47.40	N
506845916	BATES SUPPLIES	09/17/2019	20311526	PO-200167	94.71	N
507329894	RMS SUPPLIES	09/17/2019	20311526	PO-200167	21.57	N
507353761	CMS SUPPLIES	09/17/2019	20311526	PO-200167	68.10	N
511746737	DHW SUPPLIES	09/26/2019	20313474	PO-200167	251.29	N
506849405	WG SUPPLIES	09/26/2019	20313474	PO-200167	136.84	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013947 SUPPLY WORKS (Continued...)		506615897 DHW CREDIT	09/26/2019	20313474 PO-200167	347.14	N
		507071124 DHS SUPPLIES	09/26/2019	20313474 PO-200167	35.67	N
		505394577 DHS SUPPLIES	09/26/2019	20313474 PO-200167	426.86	N
014773 THARP, DANIELLE PO BOX 861 ELK GROVE, CA 95759	44.24	SP ED SUPPLIES	09/12/2019	20310874 TC-200043	44.24	N
( 0) - 0						N
014873 TPX COMMUNICATIONS PO BOX 509013 SAN DIEGO, CA 92150-9013	2,593.60	RVHS	09/12/2019	20310864 PV-200139	1,150.48	N
		DHS	09/12/2019	20310864 PV-200139	1,146.98	N
		DO	09/12/2019	20310864 PV-200139	296.14	N
(877) 487-2877						N
011930 TRANE PARTS CENTERS 4145 DEL MAR AVENUE ROCKLIN, CA 95677	412.56	6836129 MAINT SUPPLIES	09/12/2019	20310846 PO-200177	412.56	N
( 0) - 0						N
014942 TWIG EDUCATION 1336 BROMMER STREET #A2 SANTA CRUZ, CA 95062	6,123.12	1154 ED SV BOOKS	09/05/2019	20309501 PO-200378	6,123.12	N
(888) 881-4977						N
012694 U.S. BANK 221 SOUTH FIGUEROA ST, STE 210 LM-CA-F2TC LOS ANGELES, CA 90012	10,998.74	AUGUST 2019 GASB 75	09/17/2019	20311553 PV-200156	10,998.74	N
( 0) - 0						N
014718 ULIBAS PASCUAL, JENNIFER 4312 ROSECREEK CT SACRAMENTO, CA 95826	39.61	STALEDATE # 1945929	09/17/2019	20311551 PV-200157	39.61	N

( 0) - 0 N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
001896 UNITED PARCEL SERVICE INC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328	530.05	DO SHIPPING	09/05/2019	20309531 PV-200122	113.86	N
		DO SHIPPING	09/05/2019	20309531 PV-200122	264.78	N
		DO SHIPPING	09/17/2019	20311552 PV-200158	103.56	N
		DO SHIPPING	09/24/2019	20312763 PV-200170	47.85	N
( 0) - 0 N						
013419 US BANK NATIONAL ASSOCIATION 1310 MADRID ST SUITE 101 MARSHALL, MN 56258	916.76	393575303 RVHS LEASE	09/05/2019	20309517 PO-200328	324.38	N
		394800262 DHW LEASE	09/26/2019	20313482 PO-200212	592.38	N
(800) 328-5371 N						
010907 VAN RIPER, CHARLES 673 4TH AVENUE STREET SACRAMENTO, CA 95818	241.68	DHS AG SUPPLIES	09/05/2019	20309518 PO-200332	120.84	N
		DHS AG SUPPLIES	09/05/2019	20309518 PO-200332	120.84	N
( 0) - 0 N						
013760 VEIRS, RANDALL 523 BARTLETT AVE WOODLAND, CA 95695	273.18	DHS MILEAGE	09/24/2019	20312770 TC-200046	273.18	N
( 0) - 0 N						
013997 VERIZON WIRELESS ONE VERIZON PLACE ALPHARETTA, GA 30004	3,111.12	DHW ADMIN	09/05/2019	20309532 PV-200123	73.00	7
		RVHS ADMIN	09/24/2019	20312764 PV-200171	108.90	7
		RMS SFTY	09/24/2019	20312764 PV-200171	.18	7
		WG SFTY	09/24/2019	20312764 PV-200171	.18	7
( ) - Y VERIZON WIRELE		ASES 3	09/24/2019	20312764 PV-200171	121.34	7
		COUNSELORS	09/24/2019	20312764 PV-200171	163.35	7
		RVHS SFTY	09/24/2019	20312764 PV-200171	54.45	7
		DO SFTY	09/24/2019	20312764 PV-200171	54.63	7
		RVHS CUST	09/24/2019	20312764 PV-200171	217.80	7
		DHS CUST	09/24/2019	20312764 PV-200171	108.90	7
		ISLE CUST	09/24/2019	20312764 PV-200171	54.45	7
		DHW CUST	09/24/2019	20312764 PV-200171	108.90	7
		RMS CUST	09/24/2019	20312764 PV-200171	54.45	7
		ISLE ADMIN	09/24/2019	20312764 PV-200171	54.45	7
		RMS ADMIN	09/24/2019	20312764 PV-200171	64.45	7

BEHAVORIST	09/24/2019	20312764	PV-200171	54.45	7
TRANS	09/24/2019	20312764	PV-200171	234.14	7
TRANS	09/24/2019	20312764	PV-200171	3.40	7
ASES 2	09/24/2019	20312764	PV-200171	121.35	7
NURSES	09/24/2019	20312764	PV-200171	108.90	7
WG CUST	09/24/2019	20312764	PV-200171	54.45	7
BATES CUST	09/24/2019	20312764	PV-200171	108.90	7



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
-----						
013997 VERIZON WIRELES (Continued...)		CMS CUST	09/24/2019	20312764 PV-200171	54.45	7
		GARDENERS	09/24/2019	20312764 PV-200171	163.35	7
		OPERATIONS	09/24/2019	20312764 PV-200171	10.89	7
		ED SV 2	09/24/2019	20312764 PV-200171	54.45	7
		BATES ADMIN	09/24/2019	20312764 PV-200171	54.45	7
		MAINT	09/24/2019	20312764 PV-200171	345.47	7
		ASES 1	09/24/2019	20312764 PV-200171	121.35	7
		ISLE SFTY	09/24/2019	20312764 PV-200171	.18	7
		DHW SFTY	09/24/2019	20312764 PV-200171	.18	7
		DHS SFTY	09/24/2019	20312764 PV-200171	.18	7
		SP ED	09/24/2019	20312764 PV-200171	272.25	7
		ED SV 1	09/24/2019	20312764 PV-200171	108.90	7
-----						
010906 WASTE MANAGEMENT OF WOODLAND	1,728.26	DHS WASTE	09/12/2019	20310865 PV-200141	735.95	N
P.O. BOX 78251		DHS WASTE	09/12/2019	20310865 PV-200141	992.31	N
PHOENIX, AZ 85062-8251						
( 0) - 0						N
-----						
000490 WILCO SUPPLY	304.59	9113417 MAINT SUPPLIES	09/05/2019	20309519 PO-200178	304.59	N
1973 DAVID ST						
SAN LEANDRO, CA 94577						
(800) 745-5450						N
-----						
012528 WILLIAMS SCOTSMAN INC	3,747.84	RMS LEASE	09/05/2019	20309534 PV-200124	936.96	N
4911 ALLISON PARKWAY		RMS LEASE	09/05/2019	20309534 PV-200124	936.96	N
VACAVILLE, CA 95688		RVHS LEASE	09/05/2019	20309534 PV-200124	936.96	N
		DHW LEASE	09/05/2019	20309534 PV-200124	936.96	N
(707) 451-3000						N
-----						
012761 WILLIAMS, LEE	840.00	41019 STAFF CPR	09/05/2019	20309533 PV-200118	840.00	7
8274 B & R LAND						
RIO VISTA, CA 94571						
( ) -						Y
-----						
014450 WIZIX	384.07	WG 123200 PRINT CHRGS	09/12/2019	20310847 PO-200004	183.26	N
4777 BENNETT DRIVE SUITE D		123082 F5 PRINT CHRGS	09/12/2019	20310847 PO-200237	200.81	N

LIVERMORE, CA 94551

(916) 913-6191

N WIZIX TECHNOLO

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014388 WPS PUBLISH 625 ALASKA AVENUE TORRANCE, CA 90503-5124  (800) 648-8857	689.84	281563 SP ED SUPPLIES	09/17/2019	20311523 PO-200451	689.84	N
014706 ZOOM IMAGING SOLUTION 1326 N. MARKET BLVD SACRAMENTO, CA 95834  (916) 369-6526	30.29	2138991/2138399 DHW PRNT CONTR	09/12/2019	20310848 PO-200211	30.29	N
District total:	684,342.38					
Report total:	684,342.38					

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: \_\_\_\_\_

From: Marcy Rossi, Principal, Riverview Middle School

Item Number: 10.4

Type of item: (Action, Consent Action or Information Only): Consent

**SUBJECT:**

Request to approve out of district travel and overnight stay for Riverview Middle School 6<sup>th</sup> grade students and 1 Riverview teacher to the YMCA Point Bonita Science Camp in Sausalito from April 1-3, 2019.

**BACKGROUND:**

The Point Bonita Science Camp trip has been a yearly tradition for Riverview. Aligned with the 6<sup>th</sup> grade California science standards, the trip is an education opportunity for our students to experience first hand one of the eco systems of our California coast. The students will have the opportunity to learn from the park's naturalists about the environment, fauna, flora and rock formations. In addition, the students will have the opportunity to learn how to work cooperatively while hiking and exploring the park.

Teacher: Dawn Roberts

Students: the trip is made available to the entire 6<sup>th</sup> grade class

Parent Chaperones: Parent volunteers sign up to accompany students

**STATUS:**

The cost per student is \$ 275. The PTC and families will fundraise, find scholarships and provide transportation to and from Point Bonita. The \$275. student fee will pay for food, lodging and activities. The district will incur no costs associated with this trip and substitute teachers will not be required.

**PRESENTER:**

Marcy Rossi

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

No cost to District

**RECOMMENDATION:**

That the Board approves the out of district travel and overnight stay for Riverview Middle School 6<sup>th</sup> grade students and 1 teacher to the YMCA Point Bonita Science Camp in Sausalito, April 1-3, 2019

Time allocated: 3 minutes

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X

From: Stacy Wallace, Isleton Elementary Principal

Item Number: 10.5

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to approve the Independent Contract for Services Agreement with the Center of Movement for the 2019-2020 school year at a cost not to exceed \$4,000.

**BACKGROUND:**

Name of Vendor: Center of Movement

Description of Service(s): To provide Yoga and Mindfulness classes at Isleton Elementary School. Studies find that youth benefit from learning mindfulness in terms of improved cognitive outcomes, social-emotional skills, and wellbeing. In turn, such benefits may lead to long term improvements in life.

Date(s) of Service(s): 2019-2020 School Year

**STATUS:**

**PRESENTER:**

Stacy Wallace, Principal of Isleton Elementary

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

Not to exceed \$4,000 paid by Isleton Elementary School and the California State Preschool.

**RECOMMENDATION:**

That the Board approve the Independent Contract for Services Agreement with the Center of Movement for the 2019-2020 school year at a cost not to exceed \$4,000.

Time allocated: 3 minutes

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X\_\_\_\_\_

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: 10.6

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to Pre-Approve the 2019-20 ASB, Booster Club, PTC and PTA Fundraisers

**BACKGROUND:**

Every year River Delta's School sites encourage the various student ASB clubs and parent organizations to raise funds to further and enhance the educational experience. Starting in Fiscal Year 2015-16 all ASB fundraisers were required to be preapproved through the district office and presented to the Board for final approval prior to the event.

In order to streamline the process and still comply with set procedures, the sites are submitting a list of fundraisers that they intend to hold throughout the current fiscal year

**STATUS:**

Generally these fundraisers are held annually. The fundraisers have received a cursory review with pre-approval from the district office and is seeking approval from the Board. As each fundraising event approaches, the sites will continue to submit an individual request form with all required signatures for final district office approval prior to the event, as required for ASB clubs. Parent organizations do not have the same requirements as ASB and this approval is currently all the district is requiring.

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

Not Applicable

**RECOMMENDATION:**

That the Board approves the 2019-20 Fundraiser lists as presented

Time allocated: 3 minutes

**River Delta Unified School District  
Fund Raiser Pre-Approval list**

**ASB**

School site: *Isleton Elementary School*  
Fiscal Year: *2019-20*

	<b>ASB Club</b>	<b>Activity</b>	<b>Net Profit</b>
<i>Sample</i>	<i>Band</i>	<i>Car Wash</i>	<i>\$200</i>
1	ASB	World's Finest Candy Bars	\$2,100.00
2	ASB	Donation Letters	\$2,000
3	ASB	Sweatshirts/tshirt	\$1,000.00
4			
5			
6			
7			
8			
9			
10			
11			

All individual fund raisers must adhere to the procedures previously set forth and be submitted to the district office at least two (2) weeks prior to requested date, with all approval signatures in tact.

**River Delta Unified School District  
Fund Raiser Pre-Approval list  
2019-2020**

School site: *Riverview Middle School ASB Account*  
Fiscal Year: *2019 -2020*

<b>ASB Club/ PTC, PTA, Boosters</b>	<b>Activity</b>	<b>Net Profit</b>
ASB	School Dances - Snack Bar and Tickets Sales	\$200
ASB	Game Night	\$50
ASB	Breakout Night	\$25
ASB	Halloween Carnival	\$50
ASB	Open House - Snack Bar	\$25
ASB	Recycling	\$300
ASB	Clothing Sales	\$200
ASB	Photo Booth	\$50
ASB	Laser Tag	\$200
ASB	Cookie Dough	\$3,000
ASB	PE Uniforms	\$800
ASB	Sports Snack Bar	\$25
ASB	Water Bottle Sales - Events and Promptions	\$100



**River Delta Unified School District**

**Fundraiser Pre-Approval List**

**PTC**

School Site: Riverview Middle School

Fiscal Year: 2019-2020

Organization	Activity	Net Profit
PTC/6 <sup>th</sup> grade science camp fundraiser	Pizza Factory	\$400
PTC/6 <sup>th</sup> grade science camp fundraiser	Krispy Kreme	\$200
PTC/6 <sup>th</sup> grade science camp fundraiser	Sunny Valley Bacon Sales	\$400
PTC/6 <sup>th</sup> grade science camp fundraiser	Hot Chocolate/Snack Bake Sale (@ RV Museum craft fair and/or Lighted Boat Parade)	\$200

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: None

From: Katherine Wright, Superintendent

Item Number: 10.7

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Donations

**BACKGROUND:**

Donations to Receive and Acknowledge:

**Rio Vista High School, Riverview Middle School and D.H. White Elementary School**

Rio Vista Lions Club - \$2,252 For CatapultEMS subscription

**Riverview Middle School**

Rio Vista Lions Club - \$1,139.50 – For Student Planners

Beth Brockhouse - \$179.48

**Isleton Elementary School - 6<sup>th</sup> grade Sly Park Science Camp**

Bruce and Ofelia Gornto - \$235

Wence, Inc (Lucy's Café) - \$235

F & M Bank - \$470

Bob's Bait Shop - \$235

**STATUS:**

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board acknowledge and approve the receipt of these donations

Time allocated: 3 minutes

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X\_\_\_\_\_

From: Katherine Wright, Superintendent

Item Number: 11\_\_\_\_\_

Type of item: (Action, Consent Action or Information Only): Action\_\_\_\_\_

**SUBJECT:**

Request to approve the second and final reading of the updated or new Board Policies, Administrative Regulation and or Exhibits due to new legislation or mandated language and citation revisions as of July 2019.

**BACKGROUND:**

Changes in legislation and amendments to laws lead to necessary/mandated changes in District policies, regulations and exhibits.

**STATUS:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to July 2019 which need to be approved for first reading.

These policies, etc., were submitted for the first reading for approval at the September 10, 2019 Board meeting.

**PRESENTER:**

Katherine Wright

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the second and final reading of these policies and regulations resulting from legislation effective prior to July 2019 as submitted.

Time allocated: 3 minutes

# POLICY GUIDE SHEET

May 2019

Page 1 of 3

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

## **BP/AR 0420.4 - Charter School Authorization**

(BP/AR revised)

Policy updated to delete the legal cite for the Parent Empowerment Act, as the criteria for that program include the Academic Performance Index which is no longer calculated, and to delete the outdated legal cite for California Department of Education (CDE) standards for the identification of academically low-achieving students. Policy also reflects **NEW LAW (SB 126, 2019)** which requires charter schools to comply with the Brown Act, California Public Records Act, and other specified state laws governing transparency and public integrity, and **NEW LAW (AB 406, 2018)** which, for any charter petition submitted on or after July 1, 2019, prohibits the charter school from operating as or by a for-profit corporation or organization. Regulation updated to reflect **NEW LAW (AB 1747, 2018)** which requires that the charter petition include provisions for the development and annual update of a school safety plan.

## **BP/AR 1312.1 - Complaints Concerning District Employees**

(BP/AR revised)

Policy updated to reflect a court decision which held that a district cannot bar criticism of employees at public board meetings, and to add referral of complainants to the appropriate complaint procedures when concerns are expressed at a board meeting or to an individual board member outside a board meeting. Policy includes material formerly in AR regarding reports against employees for child abuse or neglect, and adds circumstances under which complaints should be addressed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures or AR 4030 - Nondiscrimination in Employment. Policy also adds material related to the investigation of a complaint, including an anonymous complaint, and includes material formerly in AR regarding appeals to the board. Regulation reorganized and updated to require that complaints be made in writing and to add steps regarding the investigation of the complaint and the notification of the complainant and employee regarding the final decision.

## **BP/AR 3250 - Transportation Fees**

(BP/AR revised)

Policy updated to reference types of transportation services, in addition to home-to-school transportation, for which fees may be charged. The basis for establishing the amount of the fee deleted in BP since it is addressed in AR. Policy also adds material formerly in AR regarding (1) criteria for determining exemption of transportation fees based on financial need and (2) board certification to the county superintendent of schools that fees have been levied in accordance with law. Regulation reorganized to describe the types of transportation services for which fees are allowed, the amount of the fee, and then exemptions from fees. Material regarding the establishment of fees revised to reflect current practice which is no longer based on the Superintendent of Public Instruction's determination of the statewide average nonsubsidized cost of providing transportation on a publicly owned or operated transit system.

## **BP 3510 - Green School Operations**

(BP revised)

Policy expands best practices for environmental accountability in district programs and operations, including involvement of staff at all levels, use of least toxic pest management practices, compliance with green building standards in any new construction, acquisition of reduced or zero emission school buses, limitation of unnecessary idling of school buses or personal vehicles, implementation of green practices in the district's food services program, and use of green school activities as tools for student learning.

## **POLICY GUIDE SHEET**

**May 2019**

**Page 2 of 3**

### **BP/AR 3511 - Energy and Water Management**

(BP/AR revised)

Policy and regulation updated to reflect recommendations in **NEW STATE GUIDANCE** from CDE, the Division of the State Architect in the Department of General Services, and the State Water Resources Control Board. Policy also deletes green school strategies duplicated in other policies, and adds coordination with local and regional entities to share expertise and resources. Section on "Storm Water Management" deletes specific requirements for "nontraditional MS4 entities" that are subject to the General Permit for Storm Water Discharges to Small Municipal Separate Storm Sewer Systems, and clarifies that districts may also be subject to the Construction General Permit and the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities. Section on "Emergency Interruption of Services" contains material formerly in AR. Regulation expands components of the district's resource management program to include strategies related to outdoor spaces, drought-tolerant habitats, and equipment maintenance and repair. Regulation also adds new section on "Storm Water Management" with examples of best practices and adds new material related to the emergency interruption of services.

### **AR 3514 - Environmental Safety**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 2453, 2018)** which (1) authorizes state facilities modernization grants to be used to update air filtration systems and (2) authorizes districts and schools in communities with a high cumulative exposure to toxic air contaminants to work with air districts and to be eligible for a grant to implement air quality mitigation efforts. Regulation also reflects the July 1, 2019 deadline for completing testing for lead in the drinking water of any school constructed before January 1, 2010, and **NEW LAW (AB 2370, 2018)** which requires a licensed child care center that is located in a building constructed before January 1, 2010 to have its drinking water tested for lead contamination.

### **BP/AR 3540 - Transportation**

(BP revised; AR deleted)

Policy updated to include material formerly in AR regarding the means of transportation, contracts for transportation services, and the option to pay parents/guardians their actual and necessary expenses in transporting the student. Policy also addresses (1) the district's authority to require families to pay a transportation fee, with specified exceptions; (2) the district's authority to transport students without parent/guardian permission when evacuation of students is necessary for their safety; and (3) the installation of a global positioning system on school buses to enhance safety and provide real-time location data. Regulation deleted and key concepts moved to BP.

### **BP 4119.22/4219.22/4319.22 - Dress and Grooming**

(BP revised)

Policy updated to reflect laws which allow employees to appear and dress in a manner consistent with their gender identity, gender expression, or religious creed. Policy also adds material regarding the communication of the district's dress and grooming policy to employees.

### **BP 5131.2 - Bullying**

(BP revised; AR added)

Policy updated and regulation added to reflect **NEW LAW (AB 2291, 2018)** which mandates districts to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. Regulation includes material formerly in BP re: bullying prevention measures, staff development, student instruction, reporting, and corrective actions. Regulation also adds definition of bullying and examples of behaviors that may constitute bullying and cyberbullying, and reflects CDE's online training module on bullying developed pursuant to AB 2291.

## **POLICY GUIDE SHEET**

**May 2019**

**Page 3 of 3**

### **BP/AR 5132 - Dress and Grooming**

(BP/AR revised)

Policy updated to address communication of the dress code to students and staff; grant enforcement authority to the principal or designee; prohibit discriminatory enforcement of the dress code, including, but not limited to, discrimination based on gender identity, gender expression, or religious or cultural observance; and address disciplinary action for repeated violations or refusal to comply with the dress code. Policy also provides that the determination of specific items of clothing defined as gang apparel shall be free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics. Regulation updated to provide general, gender-neutral guidelines for the dress code that may be revised to reflect district practice; add circumstances under which the dress code should be modified for classes, activities, or individual students; and call for collaboration with law enforcement agencies to update definitions of gang-related apparel.

### **BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction**

(BP/AR revised)

Policy updated to more directly reflect the goals of the California Healthy Youth Act, incorporate the legal requirement for districts whose graduation requirements include completion of a health education course to include instruction on the affirmative consent standard, and reflect **NEW LAW (SB 1104, 2018)** which requires districts offering grades 6-12 to provide information on human trafficking prevention resources to parents/guardians by January 1, 2020. Policy also adds timeline for notification to parents/guardians that they may request to excuse their child from comprehensive sexual health and HIV prevention education. Regulation updated to reflect **NEW LAW (AB 1861, 2018)** which requires that comprehensive sexual health education include specified information regarding human trafficking, and **NEW LAW (AB 1868, 2018)** which authorizes instruction regarding the potential risks and consequences of electronically sharing suggestive or sexually explicit materials. Section on "Professional Development" updated to reflect a legal requirement to provide periodic staff development regarding sexual abuse and human trafficking.

### **BP 6142.6 - Visual and Performing Arts Education**

(BP revised)

Policy updated to reflect revised content standards for visual and performing arts, including media arts, adopted by the State Board of Education in January 2019. Policy incorporates the philosophical foundation, lifelong goals, and artistic processes upon which the state standards are based.

### **BP 6146.1 - High School Graduation Requirements**

(BP revised)

Policy includes minor revision to clarify that immigrant students enrolled in a newcomer program in grades 11-12 may be eligible for an exemption from locally established graduation requirements, regardless of whether they transferred between schools after the completion of the second year of high school.

**POLICY GUIDE SHEET**  
**July 2019**  
**Page 1 of 3**

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

**BP 1112 - Media Relations**

(BP revised)

Policy updated to expand the section on "Crisis Communications Plan" to apply to natural disasters, involve district technology personnel in the development of the plan, and expand the contents of the plan. Policy also updated to encourage the establishment of priorities and key messages for proactive communications with the media, clarify that media representatives can be required to register before coming on campus only if the district has adopted a policy requiring all visitors to register, and clarify that the only student directory information that may be released to the media is that information designated by the district in AR 5125.1 - Release of Directory Information.

**AR 3320 - Claims and Actions Against the District**

(AR revised)

Regulation updated to add statement requiring the use of district procedures for claims against the district prior to filing a lawsuit. Regulation also defines "limited civil case" as one that is for an amount of \$25,000 or less.

**BP/AR 3551 - Food Service Operations/Cafeteria Fund**

(BP/AR revised)

Policy updated to reflect **NEW FEDERAL REGULATION (84 Fed. Reg. 8247)** and updated California Department of Education (CDE) guidance giving districts with an average daily attendance of less than 2,500 greater flexibility in the hiring of food service directors. Policy also consolidates material on nondiscrimination toward students who have unpaid meal fees and those who participate in the free and reduced-price meal program. Regulation updated to reflect **NEW LAW (AB 3043, 2018)** which permits the use of cafeteria funds to (1) pay for the purchase of a mobile food facility and (2) supplement the cost of providing universal breakfast in districts that do not provide universal breakfast under a federal program, provided they submit the required certification to CDE. Regulation also updates section on U.S. Department of Agriculture (USDA) donated foods to reflect current requirements for the safe storage and control of the foods. In both policy and regulation, CDE and USDA guidance renumbered when superseded by newer guidance.

**AR 4117.7/4317.7 - Employment Status Reports**

(AR revised)

Regulation updated pursuant to Education Code 44940 to include a violation or attempted violation of Penal Code 187 (murder) in the definition of a "mandatory leave of absence offense."

**BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions**

(BP added)

New policy addresses the avoidance of unlawful and inappropriate interactions between staff and students, an employee's responsibility to report another employee's violation of this policy, disciplinary consequences for staff, referral to law enforcement when appropriate, the requirement to post the code of conduct on school and/or district websites, and examples of conduct that are inappropriate or can create the appearance of impropriety.

## **POLICY GUIDE SHEET**

**July 2019**

**Page 2 of 3**

### **BP/AR 4218 - Dismissal/Suspension/Disciplinary Action**

(BP added; AR revised)

New policy contains material formerly in AR pertaining to board actions in disciplinary hearings for classified employees and new material consistent with BP 4118 - Dismissal/Suspension/Disciplinary Action for certificated employees. Policy also reflects **NEW LAW (AB 2234, 2018)** which requires the board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Regulation updates and consolidates the causes for disciplinary action. Regulation also adds the requirement to set a timeline by which the employee may request a hearing, which must be not less than five days after serving notice upon the employee. Section on "Compulsory Leave of Absence" expanded to define "mandatory" and "optional" leave of absence offenses and reflect requirements pertaining to extension of the leave and compensation during the leave. Material pertaining to merit system districts moved to BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).

### **BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)**

(BP/AR added)

New policy and regulation address requirements for disciplinary proceedings for classified employees in merit system districts. BP/AR contain material formerly in AR 4218 - Dismissal/Suspension/Disciplinary Action, and new material consistent with BP/AR 4218 and BP/AR 4118 - Dismissal/Suspension/Disciplinary Action for certificated employees. Policy also reflects **NEW LAW (AB 2234, 2018)** which requires the personnel commission to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor.

### **BP 5123 - Promotion/Acceleration/Retention**

(BP revised)

Policy updated to make minor revision reflecting current law pertaining to the requirement to provide remedial instruction to students who are recommended for retention or are identified as being at risk for retention.

### **BP/AR 5136 - Gangs**

(BP/AR revised)

Policy and regulation updated to expand material related to supports and services for students identified as gang members and reflect best practices for gang prevention, intervention, and suppression described in **NEW RESOURCE** from the National Gang Center and in publication from the Los Angeles Police Department.

### **BP/AR 6142.2 - World Language Instruction**

(BP/AR revised)

Policy and regulation retitled to be consistent with terminology used in the Education Code pursuant to **NEW LAW (AB 2319, 2018)**. Policy and regulation updated to reflect **NEW STATE CONTENT STANDARDS** for world language instruction adopted by the State Board of Education in January 2019. Policy also reflects University of California guidance stating that American Sign Language courses may be used to satisfy world language coursework requirements for college admission, and reflects state regulations which require districts to establish a process for receiving and responding to input from parents/guardians and other stakeholders regarding the world language in which instruction will be provided in any program sufficient to produce proficiency in a world language. Regulation also reflects state regulation requiring districts to establish a process for receiving and responding to parent/guardian requests to establish a language acquisition program not currently offered at the school.



## **POLICY GUIDE SHEET**

**July 2019**

**Page 3 of 3**

### **AR 6145.2 - Athletic Competition**

(AR revised)

Regulation updated to reflect **NEW LAW (SB 1109, 2018)** which requires districts to annually provide student athletes and their parents/guardians an opioid fact sheet produced by the Centers for Disease Control and Prevention.

### **BP/AR 6145.6 - International Exchange**

(BP/AR revised)

Policy updated to clarify the scope of the policy, separate material pertaining to district students studying in another country and material pertaining to international exchange students studying in district schools, and reflect CSBA Legal Guidance. Policy also addresses student eligibility, information to obtain from the placement organization, and methods that may be used to calculate the total cost of educating an international student for the purpose of determining tuition. Regulation reflects the requirement to provide the placement organization with written acceptance of a student's enrollment, clarifies that a student's enrollment may be for one semester or one year, and adds optional language regarding the provision of a school transcript.

### **BP/AR 6174 Education for English Learners**

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2735, 2018)** which prohibits districts from denying English learners the opportunity to enroll in core curricular courses or courses needed for middle school promotion, high school graduation, or college admission. Policy also adds requirement to annually designate a district and site coordinator to oversee administration of the English Language Proficiency Assessments for California (ELPAC). Regulation reflects **NEW STATE REGULATION (Register 2019, No. 1)** which establishes a timeframe for notifying parents/guardians of their child's ELPAC test results when the results are received from the test contractor after the last day of instruction for the school year.

### **BP 6179 - Supplemental Instruction**

(BP revised)

Policy updated to reflect current law requiring the provision of remedial instruction to students who are recommended for retention or are identified as being at risk for retention. Policy also deletes reference to federal Title I program improvement which is no longer operational, and clarifies that schools identified for comprehensive or targeted school improvement may, but are not required to, offer supplemental instruction.

### **BB/E 9321 - Closed Session**

(BB revised; E(1) and E(2) added)

Bylaw retitled and updated to incorporate material formerly in BB 9321.1 - Closed Session Actions and Reports. Bylaw also adds the requirement to provide final documents approved or adopted during closed session to persons who have submitted a request. Section on "Matters Related to Students" provides that student names should not be included on the agenda or reports of expulsion hearings pursuant to court decision. Section on "Security Matters" reflects the board's authority to meet in closed session with law enforcement officials to develop a tactical response plan. Section on "Real Property Negotiations" reflects Attorney General publication stating the board's authority to approve a final real property agreement in closed session. Section on "Pending Litigation" updates legal cites. Exhibit (1) added to provide examples of agenda descriptions of closed session items. Exhibit (2) added to provide examples of reports of closed session actions that must be made when the board reconvenes in open session following the closed session.

### **BB 9321.1 - Closed Session Actions and Reports**

(BB deleted)

Bylaw deleted and key concepts incorporated in BB 9321 - Closed Session.

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.4(a)

### CHARTER SCHOOL AUTHORIZATION

Note: The following **optional** policy may be revised to reflect district practice. Education Code 47600-47616.7 authorize the establishment of a capped number of public charter schools, which are generally exempt from Education Code provisions governing school districts unless otherwise specified in law. To establish a charter school **within the district**, petitioners must submit to the Governing Board for approval a petition which includes all components required by law as described in the accompanying administrative regulation.

~~Charter petitions may also be submitted to other entities under certain circumstances.~~ **Under certain circumstances, charter petitions may also be approved by other governmental entities. For example,** Education Code 47605.5-47605.6 authorize petitioners to submit a petition directly to the County Board of Education when (1) the charter school will serve students for whom the county office of education would otherwise be responsible for providing direct education and related services or (2) the countywide program will provide educational services to a student population that cannot be served as well by a charter school operating in only one district in the county.

In addition, Education Code 47605.8 authorizes petitioners to submit a petition directly to the State Board of Education (SBE) to approve a "statewide benefit charter school" that may operate at multiple sites throughout the state. 5 CCR 11967.6.1 requires the petitioner to provide prior written notice to the board of each district where the petitioner proposes to locate a school site and to notify the board of the date that SBE will meet to consider the petition.

Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the SBE to convert all its schools to charter schools, provided that 50 percent of the district's teachers sign the petition, the petition contains all specified components, and arrangements are made for alternative attendance of students residing within the district who choose not to attend charter schools.

For further information regarding the submission and review of charter school petitions, see CSBA's publication [Charter Schools: A Guide for Governance Teams](#).

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

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

Note: Education Code 47605 allows for the conversion of an existing public school into a charter school, provided that the school adopts and maintains a policy giving admission preference to students who reside within the former attendance area of that public school. The Board may also ~~create~~ **approve** a start-up charter school. **The signature requirement for petitions differs depending on whether the petition is for the approval of a conversion or start-up charter school; see the accompanying administrative regulation.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

The Board may also act as the governing board for what are known as "dependent" charter schools. Although the term does not appear in law, the SBE includes "dependent" charter schools as a separate category in its inventory of charter schools operating in California. A dependent charter school is subject to the same petition requirements and approval process as an "independent" charter school, which is typically formed by parents/guardians, teachers, community members, or a charter management organization.

Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the SBE to convert all its schools to charter schools, provided that 50 percent of the district's teachers sign the petition, the petition contains all specified components, and arrangements are made for alternative attendance of students residing within the district who choose not to attend charter schools.

One or more persons may submit a petition for a start-up charter school to be established within the district. **In addition, or for the conversion of an existing district school may be converted** to a charter school when deemed beneficial by the district and community. (Education Code 47605, 47606, 53300)

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

Any petition for a start-up charter school or conversion charter school shall include all components and signatures required by law and shall be submitted to the Board. The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter **proposals petition** with legal requirements.

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

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code 47605)

*(cf. 9320 - Meetings and Notices)*

Within 60 days of receiving a petition, or within 90 days with mutual consent of the petitioners and the Board, the Board shall either approve or deny the request to establish the charter school. (Education Code 47605)

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

**CHARTER SCHOOL AUTHORIZATION** (continued)**Approval of Petition**

**Note: Education Code 47605 requires the Board to give preference to charter petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner as academically low achieving based on the standards established by the California Department of Education (CDE) pursuant to Education Code 54032, as that section read before July 19, 2006. Prior to its repeal on that date, Education Code 54032 required the CDE to develop standards to identify students as academically low achieving for purposes of allocating Economic Impact Aid funds to school sites. However, the Economic Impact Aid program is no longer funded or administered by CDE.**

The Board shall approve the charter petition if doing so is consistent with sound educational practice. In granting charters, the Board shall give preference to **schools best able petitions that demonstrate the capability** to provide comprehensive learning experiences for **students who are identified by the petitioner as** academically low-achieving **students** according to standards established by the California Department of Education (CDE) under **Education Code 54032**. (Education Code 47605)

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

~~(cf. 0420.42 - Charter School Renewal)~~

~~(cf. 0420.43 - Charter School Revocation)~~

**Note: Pursuant to Education Code 47604.1, as added by SB 126 (Ch. 3, Statutes of 2019), charter schools are subject to the Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and the Political Reform Act (Government Code 81000-91014). Although Education Code 47604.1 is not effective until January 1, 2020, a 2018 Attorney General opinion also concluded that, under current law, those statutes govern all local government agencies including charter schools.**

The Board shall **ensure verify** that any approved charter contains adequate processes and measures for holding the school accountable for **complying with applicable law, including Education Code 47604.1, and for** fulfilling the terms of its charter. These shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, including student outcomes aligned with state priorities as described in Education Code 52060, and regular reports to the Board.

*(cf. 0420.41 - Charter School Oversight)*

**Note: The following optional paragraph may be revised to reflect district practice. Although not required by law, CSBA's publication Charter Schools: A Guide for Governance Teams recommends one or more memoranda of understanding (MOUs) to address matters that are related to the charter petition but are not included in the petition, and to establish expectations for which the charter school can be held accountable. CSBA's manual provides examples of issues pertaining to business operations, administrative and support services, special education, and student assessment that might be addressed in an MOU.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

A sample MOU between SBE and a state-approved charter school, available on CDE's web site, may be adapted for use by districts.

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

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

*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0420.43 - Charter School Revocation)*

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the **California Department of Education CDE**, and the State Board of Education (SBE). (Education Code 47605)

**Denial of Petition****The Board shall deny any charter petition that:**

**Note: Education Code 47604, as amended by AB 406 (Ch. 291, Statutes of 2018), prohibits a petition submitted on or after July 1, 2019 from providing for the operation of a charter school as or by a for-profit corporation or organization. Also see BP 0420.42 - Charter School Renewal.**

- 1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)**

~~Note: Education Code 47605 provides that a district cannot approve a charter school serving students in a grade level not offered by the district unless the charter school also serves all the grade levels offered by the district. Thus, an elementary district cannot approve a charter for a high school, but may approve a charter for a K-12 school since it includes all grade levels served by the district.~~

- 2. ~~The Board shall deny any petition to a~~ Authorizes the conversion of a private school to a charter school. ~~(Education Code 47602)~~**

~~Note: Education Code 47605 provides that a district the Board cannot approve a charter school serving students in a grade level not offered by the district unless the charter school also serves all the grade levels offered by the district. Thus, an elementary district cannot approve a charter for a high school, but may approve a charter for a K-12 school since it includes all grade levels served by the district.~~

**CHARTER SCHOOL AUTHORIZATION** (continued)

- 3.** ~~The Board shall also deny any petition for a charter that p~~Proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. (Education Code ~~47602~~, 47605)

Note: Pursuant to Education Code 47605, a charter petition can be denied only if certain factual findings are made, as specified in items #1-6 below. ~~AB 1360 (Ch. 760, Statutes of 2017) amended Education Code 47605 to add that a petition may be denied if the petition does not include a declaration as to whether or not the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining, as provided in item #6 below. 5 CCR 11967.5.1, which contains criteria that the SBE must consider in reviewing for SBE's review of~~ charter petitions, ~~which~~ may be useful to the district in determining how it might evaluate whether a petition meets the conditions specified in items #1-6 below.

Any other charter petition shall be denied only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.

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

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

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

**CHARTER SCHOOL AUTHORIZATION (continued)**

*Legal Reference:*

EDUCATION CODE

200 *Equal rights and opportunities in state educational institutions*

220 *Nondiscrimination*

17078.52-17078.66 *Charter schools facility funding; state bond proceeds*

17280-17317 *Field Act*

17365-17374 *Field Act, fitness for occupancy*

**32282 *Comprehensive safety plan***

33126 *School Accountability Report Card*

41365 *Charter school revolving loan fund*

42238.51-42238.2 *Funding for charter districts*

44237 *Criminal record summary*

44830.1 *Certificated employees, conviction of a violent or serious felony*

45122.1 *Classified employees, conviction of a violent or serious felony*

46201 *Instructional minutes*

47600-47616.7 *Charter Schools Act of 1992*

47640-47647 *Special education funding for charter schools*

47650-47652 *Funding of charter schools*

49011 *Student fees*

51745-51749.6 *Independent study*

52052 *Accountability: numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

56026 *Special education*

56145-56146 *Special education services in charter schools*

CORPORATIONS CODE

5110-6910 *Nonprofit public benefit corporations*

GOVERNMENT CODE

**1090-1099 *Prohibitions applicable to specified officers***

3540-3549.3 *Educational Employment Relations Act*

**6250-6270 *California Public Records Act***

**54950-54963 *Ralph M. Brown Act***

**81000-91014 *Political Reform Act of 1974***

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*

11960-11968.5.5 *Charter schools*

CODE OF REGULATIONS, TITLE 24

~~Part 2 *California Building Standards Code*~~

UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

COURT DECISIONS

*Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986*

ATTORNEY GENERAL OPINIONS

***Opinion No. 11-201 (2018)***

89 *Ops.Cal.Atty.Gen. 166 (2006)*

80 *Ops.Cal.Atty.Gen. 52 (1997)*

78 *Ops.Cal.Atty.Gen. 297 (1995)*

## CHARTER SCHOOL AUTHORIZATION (continued)

### Management Resources:

#### CSBA PUBLICATIONS

**Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018**

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

Charter Schools: A Guide for Governance Teams, rev. February 2016

Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

Charter School Authorization: Guidance and Technical Assistance for Prospective Charter School Authorizers, Webinar 2014

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

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016

Charter Schools Program: **Title V, Part B of the ESEA, Nonregulatory Guidance**, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers, May 2000

#### WEB SITES

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

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

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

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

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



# CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0420.4(a)

## CHARTER SCHOOL AUTHORIZATION

Note: The following administrative regulation is **optional**.

### Petition Signatures

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

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

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

*(cf. 4116 - Probationary/Permanent Status)*

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

### Advisory Committee

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

~~At his/her discretion, t~~**The** Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

**CHARTER SCHOOL AUTHORIZATION** (continued)

(cf. 2230 - Representative and Deliberative Groups)

**Components of Charter Petition**

Note: CSBA's publication Charter Schools: A Guide for Governance Teams recommends specific content that would constitute a reasonably comprehensive description of each component listed in items #1-16 below, as well as **recommendations for** additional content that **is not may be requested, but not required, but may be requested** of the petitioners (e.g., school calendar, transportation arrangements, a sample of the curriculum and instructional materials).

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; **will** not charge tuition; and **will** not discriminate against a student on the basis of characteristics listed in Education Code 220. ~~It~~ **The petition** shall also contain reasonably comprehensive descriptions of: (Education Code 47605, ~~47611.5~~)

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

Note: Education Code 47605 requires the charter petition to include annual goals for all students and for each numerically significant subgroup of students, ~~as defined,~~ and specific actions to achieve those goals as described in Education Code 52060. Pursuant to Education Code 52052, ~~a~~ numerically significant subgroups ~~includes~~ ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup (or at least 15 foster youth or homeless students) in the school. ~~For schools with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction with approval by the State Board of Education (SBE).~~

Education Code 47605 requires that these annual goals be aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement **and family engagement**; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula); and (8) student outcomes in the specified course of study. See BP/AR 0460 - Local Control and Accountability Plan.

~~Unlike districts, charter schools are exempt from the requirements to solicit public comment, hold public hearings, and have their plans approved by the county office of education.~~

The petition shall include a description of **the charter school's** annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically

**CHARTER SCHOOL AUTHORIZATION** (continued)

disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0420.41 - Charter School Oversight)

(cf. 0460 - Local Control and Accountability Plan)

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

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

2. The measurable student outcomes identified for use by the charter school. *Student outcomes* means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served or the nature of the program operated by the charter school.
3. The method by which student progress in meeting the identified student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(cf. 0510 - School Accountability Report Card)

4. The governance structure of the **charter** school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.

**CHARTER SCHOOL AUTHORIZATION** (continued)

5. The qualifications to be met by individuals to be employed by the **charter** school.

**Note: AB 1747 (Ch. 806, Statutes of 2018) amended Education Code 47605 to add a requirement that the charter petition include provisions for the development and annual update of a school safety plan.**

6. The procedures that the **charter** school will follow to ensure the health and safety of students and staff, including the **following** requirements **that:**
- a. Each **charter** school employee **shall** furnish the school with a criminal record summary as described in Education Code 44237.**
  - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(H) and procedures for conducting tactical responses to criminal incidents.**
  - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.**
7. The means by which the **charter** school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.

**Note: Pursuant to Education Code 47605, when the number of students who wish to attend the charter school exceeds the school's capacity, attendance must be determined by a public random drawing, with admission preference extending to students who currently attend the charter school and students who reside in the district. As amended by AB 1360 (Ch. 760, Statutes of 2017), Education Code 47605 provides that admission preferences may also include, but are not limited to, siblings of students admitted or attending the charter school and children of the school's teachers, staff, and founders identified in the initial charter. Education Code 47605, as amended, requires that the priority order for preference be determined in the charter petition as provided below.**

8. The charter school's student admission policy. The petition shall, in accordance with Education Code 47605(d), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to **Governing** Board approval.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Board's satisfaction.

**Note: Education Code 47605, as amended by AB 1360 (Ch. 760, Statutes of 2017), requires the petition to contain a comprehensive description of procedures by which a student can be suspended, expelled, or otherwise removed from the school, including how the school will comply with specified federal and state constitutional due process requirements.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

10. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605(b). Such procedures shall also include processes by which the charter school will notify the superintendent of a district and request to be notified by a district about a student when the circumstances specified in Education Code 47605(d) exist.
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.
13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

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

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

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

16. **Consistent with 5 CCR 11962, the** The procedures to be used if the charter school closes, including, but not limited to: ~~(5 CCR 11962)~~
  - a. Designation of a responsible entity to conduct closure-related activities

**CHARTER SCHOOL AUTHORIZATION** (continued)

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

**CHARTER SCHOOL AUTHORIZATION** (continued)

Note: Education Code 47605 requires that petitioners provide to the Governing Board the information listed in items #1-4 below. The Board may require additional information.

As outlined in CSBA's publication Charter Schools: A Guide for Governance Teams, some districts request a school calendar, information regarding transportation arrangements, staff development plans, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below.

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

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

1. The facilities to be used by the **charter** school, including where the school intends to locate

*(cf. 7160 - Charter School Facilities)*

2. The manner in which administrative services of the **charter** school are to be provided
3. Potential civil liability effects, if any, upon the **charter** school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

**Location of Charter School**

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

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

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

**CHARTER SCHOOL AUTHORIZATION** (continued)

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

1. The district is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.
3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

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

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

(10/15 12/17) 5/19



# CSBA Sample Board Policy

Community Relations

BP 1312.1(a)

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES

**Note: The following Board policy may be subject to collective bargaining and should be revised to reflect district practice. See the accompanying administrative regulation for a sample complaint procedure.**

**The Governing Board 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 Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.**

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

**Note: In Baca v. Moreno Valley Unified School District, a federal district court found that a district policy barring criticism of employees at public board meetings violated the plaintiff's First Amendment rights by restricting the content of speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. Thus, although the Governing Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit public criticism of district employees. See BB 9323 - Meeting Conduct.**

**When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.**

*(cf. 9323 - Meeting Conduct)*

**Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.**

**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.**

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3515.2 - Disruptions)*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

The Superintendent or designee shall determine whether a complaint **against any other employee** should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, ~~Board policy, and administrative regulation~~ and **BP 5141.4 - Child Abuse Prevention and Reporting**. Any complaint alleging that an employee engaged in **unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities** shall be filed in accordance with **BP/AR 1312.3 - Uniform Complaint Procedures**. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with **AR 4030 - Nondiscrimination in Employment**.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4144/4244/4344 - Complaints)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

**Note:** The following paragraph may be revised to reflect district practice. It is recommended that districts investigate all complaints, including those submitted anonymously, since failure to do so may subject the district to liability depending on the nature of the allegation. For example, the district can be held liable for civil damages for the sexual harassment of a student by an employee if the district is found to have been "deliberately indifferent" in its response to a complaint; see BP 5145.7 - Sexual Harassment.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

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.~~

### Appeals

**Note:** The following optional section is for use by districts that allow appeals to the Board and may be revised to reflect district practice.

**If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.**

*(cf. 9130 - Board Committees)*

**Note:** Government Code 54957 authorizes the use of closed session for hearing **specific complaints or charges** against employees, **unless the employee requests an open session**. For detailed procedures and **notice requirements**, see BB 9321 - Closed Session Purposes and Agendas.

~~The Board may decide to uphold the Superintendent's decision without hearing the complaint.~~ **If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with law Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.**

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9323 - Meeting Conduct)*

**The Board's decision shall be final.**

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

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

~~Note: Education Code 44811 makes it a misdemeanor for a parent/guardian or other person to materially disrupt classwork or extracurricular activities or cause substantial disorder in a place where a school employee is required to be in the course of his/her duties. This misdemeanor is punishable by a fine, imprisonment or both.~~

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

*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*

**COURT DECISIONS**

***Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719***

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)*

# CSBA Sample Administrative Regulation

Community Relations

AR 1312.1(a)

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Note: The following **optional** administrative regulation outlines a process for handling complaints concerning district personnel and may be subject to collective bargaining. This process should not be used for complaints concerning a Governing Board member; such complaints should be filed in writing directly with the Board.

The following regulation should be modified to reflect district practice.

~~The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.~~

~~(cf. 1312.2—Complaints Concerning Instructional Materials)~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~(cf. 4144/4244/4344—Complaints)~~

**Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.**

If a complainant is unable or unwilling to resolve the complaint directly with the employee, ~~he/she~~ **the complainant** may submit an ~~oral or a~~ written complaint to the **principal or other** employee's immediate supervisor **of the employee or the principal**. Complaints related to a principal or ~~central office~~ **district** administrator shall be initially filed in writing with the Superintendent or designee. ~~Complaints related to the Superintendent shall be initially filed in writing with the Board.~~ If the complainant is unable to prepare the complaint in writing, administrative staff shall ~~help him/her to do so~~ **provide assistance in the preparation of the complaint.**

A written complaint shall include the full name of ~~each~~ **the** employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

- ~~1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.~~

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
- 4.1. When a written complaint is received, the employee **who is the subject of the complaint** shall be notified within five days or in accordance with **the** collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
- 6.2. ~~Staff responsible for investigating complaints~~ **The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.**
3. **Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.**
- 7.4. ~~Both~~ **Either** the complainant ~~and or~~ the employee against whom the complaint was made may appeal ~~a the~~ decision. **A decision** by the principal or immediate supervisor **may be appealed** to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the ~~person~~ **parties** involved within 30 days. ~~Parties should consider and accept the Superintendent or designee's decision as final. However,~~ **Either** the complainant, ~~or~~ the employee, ~~or the Superintendent or designee may ask to address~~ **appeal the Superintendent's decision to the Governing Board regarding the complaint.**

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

**8.5.** ~~Before any Board consideration of a complaint,~~ **If the decision is appealed to the Board,** the Superintendent or designee shall submit to the Board **the following information:** a written report concerning the complaint, including but not limited to:

- a. The full name of each employee involved
- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
- c. A copy of the signed original complaint
- d. A summary of the action taken by the Superintendent or designee, **together with his/her specific finding and the reasons** that the problem has not been resolved **and the reasons**

~~9. — The Board may uphold the Superintendent's decision without hearing the complaint.~~

~~10. — All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.~~

~~Note: Government Code 54957 authorizes the use of closed session for hearing complaints against employees; for detailed procedures see BB 9321 Closed Session Purposes and Agendas.~~

~~11. — A closed session may be held to hear the complaint in accordance with law.~~

~~(cf. 9321 Closed Session Purposes and Agendas)~~

~~(cf. 9323 Meeting Conduct)~~

~~12. — The decision of the Board shall be final.~~

~~Note: Pursuant to the Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3), allegations of child abuse and neglect against district employees must be reported to and investigated by appropriate local agencies; see BP/AR 5141.4 Child Abuse Prevention and Reporting.~~

~~Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.~~

~~(cf. 5141.4 Child Abuse Prevention and Reporting)~~

(6/94 3/01) 5/19

# CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3511(a)

## ENERGY AND WATER MANAGEMENT

The Governing Board 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. **environmental and financial benefits that can be derived from conserving energy, water, and other natural resources, preparing for extreme weather and other natural events, and providing an environment that promotes the health and well-being of students and staff. To that end, To support district goals for energy and water management,** the Superintendent or designee shall develop a resource management program which **may** include strategies for implementing effective and sustainable resource **use** practices, exploring **the use of** renewable and clean energy technologies **and/or sources**, 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 **in the educational program.**

**(cf. 0200 - Goals for the School District)**

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

**(cf. 3510 - Green School Operations)**

*(cf. 3511.1 - Integrated Waste Management)*

*(cf. 3512 - Equipment)*

*(cf. 6142.5 - Environmental Education)*

The Superintendent or designee may solicit input from staff, students, and parents/guardians ~~about~~ **regarding** the district's **resource management** program. The Superintendent or designee shall provide staff and students with training and guidance on best practices to achieve the district's goals, ~~such as~~ **and may establish** a reward program to recognize outstanding accomplishments.

**(cf. 1150 - Commendation and Awards)**

The Superintendent or designee shall regularly inspect district facilities, **monitor and** operations, and make recommendations for maintenance and ~~capital expenditures~~ **repairs** which may help the district reach its conservation and management goals **and improve efficiency.**

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7111 - Evaluating Existing Buildings)*

Note: The California Energy Commission administers the Bright Schools Program pursuant to Public Resources Code 25410-25421. This program offers specific services to help districts become more energy efficient by providing design and implementation assistance, conducting energy audit and feasibility studies,



## ENERGY AND WATER MANAGEMENT (continued)

providing equipment bid specifications, assisting with installation, and helping to secure loans for energy-related maintenance. **Districts may also seek funding for water projects through the Department of Water Resource's Proposition 1 Integrated Regional Water Management Grant Program, which provides funding for projects that help meet the long-term water needs of the state.**

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 district may coordinate with other local or regional entities to capitalize on their expertise and maximize the efficient use of resources, such as through joint or shared use agreements.**

*(cf. 1330.1 - Joint Use Agreements)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

The Superintendent or designee shall ~~periodically~~ **regularly** report to the Board on the district's progress in meeting its conservation and **resource** management goals.

### Storm Water Management

Note: The following section is ~~optional~~ **recommended for use by all districts, especially districts that are subject to the state's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities or that have been designated by State and federal law** authorize the State Water Resources Control Board (SWRCB) or a California regional water quality control board ~~to designate a school district~~ as an entity ("non-traditional MS4") which is required to obtain "coverage" under a General Permit for Storm Water Discharges to Small Municipal Separate Storm Sewer Systems.

A district may be ~~so designated for any reason, including a water quality threat posed by its operation of storm drainage systems, at~~ **subject to either permit for a variety of reasons, including conducting activities that may result in discharge of water from** any district facility which drains into a municipal storm drainage system or **drains** directly or indirectly into a stream, creek, river, or the ocean. ~~A district required to obtain coverage under this General Permit is prohibited from discharging certain pollutants, other than storm water, into the storm drainage system and must develop a storm water management plan. A~~ **district that is covered by either or both of these General Permits must develop a storm water management plan consistent with the requirements of state and federal law and the applicable permit.**

The General Permit requires that the **Governing** Board, ~~as the governing body of the district,~~ adopt a resolution containing the plan and authorizing the Superintendent to implement and enforce the plan. The plan must then be submitted to the local regional water quality control board for approval. In addition, the district is required to submit annual reports to the local regional water control board describing the district's progress in implementing the plan.

~~The SWRCB anticipates that many school districts will be designated as "non-traditional MS4" over the next several years. Districts should consult with representatives of the local regional water control board and county office of education to ensure that appropriate plans are developed. Districts that have not yet been designated may revise or delete the following section as appropriate.~~

**The following section and the accompanying administrative regulation reflect the recommendations of the California Department of Education (CDE), the Division of the State Architect in the Department**

**ENERGY AND WATER MANAGEMENT** (continued)

of General Services, and the SWRCB in their joint publication Guidance for Stormwater and Dry Weather Runoff CAPTURE (California Practices to Use Runoff Effectively) at Schools, developed pursuant to Water Code 189.3, as amended by SB 1289 (Ch. 92, Statutes of 2018). See the Guidance for additional design and use practices for storm water and dry weather runoff capture practices that can generally be applied to all new, reconstructed, or altered public schools, including school grounds.

The Board desires to ensure that, to **To** the maximum extent practicable, the district **shall** 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~~

**The Superintendent or designee shall ensure that the district complies with storm water discharge standards specified by any applicable General Permit requirements coverage required by law, including all requirements of the Construction General Permit issued by the State Water Resources Control Board for any project that disturbs one acre or more of soil. (40 CFR 122.34)**

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 3514.2 - Integrated Pest Management)*

Note: ~~The water management plan must describe how pollutants in storm water runoff will be controlled and must include best management practices addressing the six minimum control measures specified below, as well as measurable goals and timetables. The NPDES and MS4 General Permits each contain their own requirements. Districts should consult with their local regional water quality control board for requirements and approval of the plan.~~

The Superintendent or designee shall develop a storm water management **plan that complies with the provisions of the applicable permit** and shall submit the plan and a resolution authorizing the implementation of the plan to the Board for approval. The district's plan shall **and** describes best management practices, **design strategies**, measurable goals, and timetables for implementation. ~~in the following areas: and shall submit t~~The plan and a resolution authorizing the ~~its~~ implementation ~~of the plan~~ **shall be submitted** to the Board for approval. **(40 CFR 122.34)**

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~~

**For all projects, the district shall comply with any city or county ordinance that regulates drainage improvements and conditions. (Government Code 53097)**

~~The Superintendent or designee shall regularly report to the Board on the status of the district's implementation efforts.~~

### **Emergency Interruption of Services**

Note: The following **optional** section requires the development of an emergency action plan which identifies actions to be taken in the event of a **toxic spill or an emergency interruption of power, water, or other services. However, schools that are affected by regular public safety power shutoffs (e.g., actions by utility companies to preemptively shut off power in high fire risk areas to reduce fire risk during extreme and potentially dangerous weather conditions) should also consider including this section.** This plan may be incorporated into the district's emergency and disaster preparedness plan. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan.

In the event that instructional time is lost as a result of a power outage resulting from an emergency, such as a fire, flood, earthquake, ~~or~~ epidemic, **or other hardship** ~~and~~ as specified in Education Code 46392, districts may request credit for the loss of average daily attendance funding, as detailed in the ~~California Department of Education's~~ **CDE's Management Advisory 90-01.** See BP 3516.5 - Emergency Schedules for policy regarding changes in schedules due to an emergency and procedures for compensating for lost instructional time.

The Superintendent or designee shall develop a plan **to minimize disruption to the educational program** ~~describing actions to be taken~~ in the event of power outages or other emergency interruption of utility services, ~~both during and after school operations.~~ The plan shall ~~address~~ **include actions to be taken** ~~procedures to help ensure~~ **facilitate** student and staff safety, administrative control of operations, protection of equipment, effective communications, and coordination with local fire, police, and emergency personnel and utility service providers.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 3516.5 - Emergency Schedules)*

**ENERGY AND WATER MANAGEMENT (continued)***Legal Reference:*EDUCATION CODE**17213.1 School sites****17280 Construction of school buildings****35275 Coordination of new facilities with recreation and park authorities**

41422 School term or session length, failure to comply due to disaster

46392 Emergency conditions; ADA estimate

GOVERNMENT CODE**53097 Local agencies**PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance

WATER CODE**189.3 Recommendations for best design and use practices****13383 Compliance with the federal Water Pollution Control Act**

13383.5 Storm water discharge monitoring requirements

CODE OF REGULATIONS, TITLE 23**490-495 Model Water Efficient Landscape Ordinance**

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 PUBLICATIONS

0118.01 California's Energy Challenge

0706.90 Water Conservation Advisory, 90-09

**Guidance for Stormwater and Dry Weather Runoff CAPTURE (California Practices to Use Runoff Effectively) at Schools, December 2018****A Blueprint for Environmental Literacy: Educating Every Student In, About, and For the Environment, 2015**0222.90 Average Daily Attendance Credit During Periods of Emergency, **Management Advisory 90-01, rev. February 10, 2005**CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS**Guidance for Design and Construction of Vegetated Low Impact Development Projects, 2016**U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS**National Management Measures to Control Nonpoint Source Pollution from Urban Areas, 2005**WEB SITESCSBA: <http://www.csba.org>Alliance to Save Energy: <http://www.ase.org>California Department of Education, Facilities: <http://www.cde.ca.gov/l/fa>**California Department of Water Resources: <https://water.ca.gov>****California Division of State Architect: <https://www.dgs.ca.gov/DSA>**California Energy Commission: <http://www.energy.ca.gov>California State Water Resources Control Board: <http://www.swrcb.ca.gov>**California Stormwater Quality Association: <https://www.casqa.org/resources>****Collaborative for High Performance Schools (CHPS): <https://chps.net>****Green School Yards America: <http://www.greenschoolyards.org>****U.S. Environmental Protection Agency: <http://www.epa.gov>**

(3/01 7/07) 5/19

**Policy Reference UPDATE Service**

Copyright 2019 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3514(a)

## ENVIRONMENTAL SAFETY

Note: The following **optional** administrative regulation may be revised to reflect district practice.

The following paragraph may be revised to reflect the job position(s) designated to coordinate the district's environmental safety programs.

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

*(cf. 3510 - Green School Operations)*  
*(cf. 3511 - Energy and Water Management)*  
*(cf. 3517 - Facilities Inspection)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5142 - Safety)*  
*(cf. 7111 - Evaluating Existing Buildings)*  
*(cf. 7150 - Site Selection and Development)*

### Indoor Air Quality

Note: The following section may be revised to reflect district practice. For further information, see the U.S. Environmental Protection Agency's (EPA) [Indoor Air Quality Tools for Schools](#).

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the ~~Superintendent or designee shall ensure that the~~ following strategies ~~are~~ **shall be** implemented:

**Note: Education Code 17074.25, as amended by AB 2453 (Ch. 714, Statutes of 2018), authorizes a modernization grant under the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30) to be used to limit student exposure to harmful air pollutants by updating air filtration systems. Additionally, Health and Safety Code 44391.3, as added by AB 2453, allows districts located in communities with a high cumulative exposure burden to toxic air contaminants to work with air districts to identify school sites in need of air quality improvements. Contingent on appropriations being made for this purpose in the annual Budget Act or other statutes, such schools or districts will be eligible for a grant to implement air quality mitigation efforts, including, but not limited to, air filter upgrades or installation and vegetation buffer planting.**

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified

**ENVIRONMENTAL SAFETY** (continued)

in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

*(cf. 3580 - District Records)*

Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew **and prevent accidents due to unsafe conditions**. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.
3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.
4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)

*(cf. 3514.2 - Integrated Pest Management)*

5. ~~The Superintendent or designee shall install a~~ **A** carbon monoxide detector or alarm **shall be installed** in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace, **unless otherwise exempted by state law or regulations**. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)
6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

*(cf. 5141.23 - Asthma Management)*

## ENVIRONMENTAL SAFETY (continued)

7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.
8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

*(cf. 3514.1 - Hazardous Substances)*

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.
10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

*(cf. 3513.3 - Tobacco-Free Schools)*

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms, **school buses**, or other enclosed areas or buildings.

*(cf. 6163.2 - Animals at School)*

## Outdoor Air Quality

Note: The following section may be revised to reflect district practice. Forecasts of ozone levels and particle pollution are available through the federal AirNow web site and may be printed in local newspapers. The district may monitor ultraviolet radiation levels through the EPA's UV Index web site; see BP 5141.7 - Sun Safety.

The Superintendent or designee may **coordinate with the local air resources control board and** monitor local health advisories and outdoor air quality alerts, **including to obtain** forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

Whenever **these measures a forecast** indicates a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

**ENVIRONMENTAL SAFETY (continued)**

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 5141.7 - Sun Safety)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

**Reduction of Vehicle Emissions**

Note: 13 CCR 2480 prohibits idling of school buses, student activity buses, and other commercial motor vehicles within 100 feet of a school except under specified conditions. See AR 3542 - School Bus Drivers for additional language reflecting these requirements.

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds and encourage students to walk and/or bicycle to school.

*(cf. 3540 - Transportation)*

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 3542 - School Bus Drivers)*

*(cf. 5142.2 - Safe Routes to School Program)*

Note: Pursuant to 13 CCR 2025, any ~~district that owns, operates, leases, or rents a~~ diesel-fueled, dual-fueled, or alternative diesel-fueled school bus **with that has** a gross vehicle weight rating over 14,000 pounds **that and** was manufactured on or after April 1, 1977 is required to have **installed** a particulate filter **in the bus** that reduces diesel particulate matter emissions by 85 percent. An exception exists for any school bus that operates fewer than 1,000 miles per year. ~~Any school bus manufactured before April 1, 1977 should already be retired.~~

Any **school bus that is** diesel-fueled, dual-fueled, or alternative diesel-fueled ~~school bus with~~ **and has** a gross vehicle weight rating over 14,000 pounds shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

**Drinking Water Safety**

Note: The following section addresses the quality of tap water available in schools. See AR 3550 - Food Service/Child Nutrition Program for information about requirements to make fresh drinking water available during mealtimes.

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained, ~~to avoid the presence of~~ **ensure that drinking water consumed at school does not contain** dirt, mold, **lead**, or other impurities or **contaminants that may cause serious** health concerns.



**ENVIRONMENTAL SAFETY** (continued)

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate ~~the concern~~ **any potential problem** to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water **or on-site water filtration**, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

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

Note: **Due to the health risks posed by lead exposure, especially to young children, EPA has recommended that districts test for the presence of lead in drinking water.** Health and Safety Code 116277 ~~as added by AB 746 (Ch. 746, Statutes of 2017)~~, requires a community water system serving a school constructed before January 1, 2010 to test for lead in the potable water system of the school. **Such testing is at the expense of the community water system and must be completed by July 1, 2019.** If the school's lead level exceeds 15 parts per billion (equivalent to .015 milligrams per liter), the district must notify parents/guardians, take immediate steps to shut down all fountains and faucets where the excess lead levels may exist, and provide a potable source of drinking water to students. See the California Water Boards' "Frequently Asked Questions about Lead Testing of Drinking Water in California Schools: Updated for Assembly Bill 746/Health and Safety Code 116277."

Schools that have their own water supply, such as a well, are required to test for lead, copper, and other contaminants in tap water pursuant to other state and federal laws and regulations, including 22 CCR 64670-64679 and 40 CFR 141.80-141.91, and may revise the following paragraph to reflect applicable requirements.

**Health and Safety Code 1597.16, as added by AB 2370 (Ch. 676, Statutes of 2018), requires a licensed child day care center that is located in a building that was constructed before January 1, 2010, to have its drinking water tested for lead contamination as specified. See AR 5148 - Child Care and Development for further information regarding potable water requirements for day care centers.**

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to **shut down and** make inoperable any fountains or faucets where excess lead levels may exist. ~~(Health and Safety Code 116277)~~

**Prevention of Lead Exposure**

Note: The following section reflects **EPA** recommendations ~~of the EPA~~. For further information, the district may contact its city or county lead poisoning prevention program. **For information regarding the prevention of lead exposure in drinking water, see section on "Drinking Water Safety" above.**

In addition to ~~keeping school facilities as dust-free and clean as possible~~ **testing for the presence of lead in drinking water in district schools**, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. **School facilities shall be kept as dust-free and clean as possible.**

**ENVIRONMENTAL SAFETY** (continued)

- 2.** Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
- 2.3.** Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

Note: 17 CCR 35001-36100 contain state standards for lead abatement services. In addition, 40 CFR 745.61-745.339 extend federal standards for renovations involving lead-based paint to child-occupied facilities, which include preschools and **kindergarten classrooms** **elementary schools**.

- 3.4.** Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.
- 4.5.** Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.
- 5.** ~~Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.~~

Any action to abate existing lead hazards, ~~excluding containment or cleaning,~~ shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

The Superintendent or designee shall notify parent/guardians, teachers, and staff members if significant risk factors for lead exposure are found. (Education Code 32243)

**Prevention of Mercury Exposure**

Note: The following section may be revised to reflect district practice. Mercury may exist in schools in thermometers, barometers, switches, thermostats, flowmeters, **lamps** **light bulbs**, and other sources. Although devices containing mercury are considered safe as long as the mercury is sealed, if a device is broken and mercury spills, the health of students and staff may be endangered.

The Superintendent or designee shall identify any **mercury-containing** products **containing mercury** that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

**ENVIRONMENTAL SAFETY (continued)**

Note: The EPA's web site contains detailed procedures for cleaning up a small mercury spill, actions that should never be taken in the event of a spill, and items that should be assembled in a mercury spill kit.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

**Asbestos Management**

Note: Education Code 49410-49410.7 and the federal Asbestos Hazard Emergency Response Act (AHERA) (15 USC 2641-2656; 40 CFR 763.80-763.99) contain requirements for asbestos inspection and abatement which are applicable to school districts. For further information, consult the local air quality management district or air pollution control district.

40 CFR 763.84 requires the district to designate a person who will be responsible for ensuring that federal and state requirements are properly implemented. According to the EPA, this designated person is not required to be a licensed asbestos consultant, but the district must verify that he/she has received proper training. The specific knowledge that the designated person must have is described in the EPA's publication How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide. The following section may be revised to reflect the position designated to fulfill this responsibility, who may be the same person designated above to coordinate all the district's environmental safety programs.

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing **building** materials; options for controlling asbestos-containing building materials; asbestos management programs; and relevant federal and state regulations. (40 CFR 763.84)

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The designated employee shall ensure that the district complies with the following requirements:

**ENVIRONMENTAL SAFETY** (continued)

1. School facilities shall be inspected for asbestos-containing **building** materials as necessary in accordance with the following:
  - a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing **building** materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
  - b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
  - c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. (40 CFR 763.84, 763.93)

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

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)

**ENVIRONMENTAL SAFETY** (continued)

5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84, **763.90**)

Asbestos inspection and abatement work, preparation of a management plan, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing **building** materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing **building** materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)

8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

(8/13 5/18) 5/19

# CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3540(a)

## TRANSPORTATION

Note: Pursuant to Education Code 39800, the **Governing** Board may provide transportation for students to and from school whenever such transportation is advisable and good reasons exist to provide these services. The following **optional** policy is for use by districts that choose to provide transportation services, ~~either through their own transportation system, contracting out, or other methods,~~ **and should be revised to reflect district practice.**

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance, and reduce tardiness. **In determining t**~~The extent to which the district~~ **will** provides ~~for~~ transportation services, **the Board shall weigh shall depend upon** student and community needs **and against the cost of providing such services a continuing assessment of financial resources.**

*(cf. 3100 - Budget)*

*(cf. 3250 - ~~Transportation Fees~~)*

*(cf. 3541 - Transportation Routes and Services)*

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 5116.1- Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict ~~Agreements~~ Attendance)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

The Superintendent or designee shall recommend to the Board ~~the most~~ economical, **environmentally sustainable**, and appropriate means of providing transportation services.

*(cf. 3510 - Green School Operations)*

Note: **The following paragraph may be revised to reflect district practice. Pursuant to Education Code 39800 and 39802, t**~~The district may use one or more means to provide transportation, as indicated below. For example, the district may use one method school buses for its regular home-to-school program and another method contract with private parties to provide transportation for field trips or transportation for students with disabilities. This section should be revised to reflect district practice.~~

~~To provide transportation services, the Governing~~ **The Board** may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

**In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)**

**TRANSPORTATION** (continued)*(cf. 3311 - Bids)**(cf. 3312 - Contracts)*

**Note: The following paragraph is optional.** If a district that has been providing transportation decides instead to have alternative transportation provided through an outside company or volunteers, this action may constitute "contracting out" and be subject to negotiation pursuant to the Educational Employment Relations Act (Government Code 3540-3549.3).

In lieu of providing transportation in whole or in part, the district may pay the parents/guardians of a student on an Individual Education Plan (IEP) at the current federal mileage reimbursement rate. The amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

**Note: The following optional paragraph is for use by districts that choose to require parents/guardians of transported students to pay a portion of the cost of transportation as authorized by Education Code 39807.5.** Pursuant to Education Code 39807.5, the district must waive the fee for students with financial need and students with disabilities whose individualized education program includes transportation as a related service necessary for the student to receive a free appropriate public education. See BP/AR 3250 - Transportation Fees.

**The Board may charge a transportation fee to parents/guardians of transported students in accordance with Education Code 39807.5 and BP/AR 3250 - Transportation Fees.**

*(cf. 3250 - Transportation Fees)*

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student **pursuant to** ~~—(Education Code 35350)~~ **or the evacuation of students as necessary for their safety.**

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

*(cf. 3543 - Transportation Safety and Emergencies)**(cf. 5131.1 - Bus Conduct)*

**Note: The following optional paragraph is for use by districts that maintain their own transportation system and may be revised to reflect district practice.** Pursuant to Penal Code 637.7, the district is authorized, as the registered owner of the school bus, to use electronic tracking systems to determine the location or movement of the vehicle. It is recommended that school bus drivers be notified when a bus is so equipped.

**TRANSPORTATION** (continued)

**In addition to using a global positioning system (GPS) to locate a bus in an emergency or to track delays, the district may choose to authorize parents/guardians to access the location data so that they may determine when their child has been picked up or dropped off at a bus stop.**

**The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators and parents/guardians.**

Note: The following **optional** paragraph is for use by districts that maintain their own transportation system.

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

*(cf. 3542 - School Bus Drivers)*

*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*

39807.5 *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*

**52311 *Regional occupational centers, transportation***

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

**PENAL CODE**

**637.7 *Electronic tracking devices***

VEHICLE CODE

**2807 *School bus inspection***

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*~~

**CODE OF REGULATIONS, TITLE 13**

**2025 *Retrofitting of diesel school buses***

COURT DECISIONS

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

(6/92 10/97) 5/19

# CSBA Sample Board Policy

All Personnel

BP 4119.22(a)

4219.22

**DRESS AND GROOMING**

4319.22

Note: The following **optional** policy may be revised to reflect district practice. **Government Code 12949**, several court cases, and Public Employment Relations Board (PERB) decisions support districts' non-negotiable management prerogative to adopt a dress code. However, in 22 PERC P29, 136, PERB determined that districts must provide the exclusive bargaining representative with an opportunity to bargain over the "effects" of the dress code which may have an impact on matters within scope of representation. In addition, AB 196 (Ch. 164, Statutes of 2003) added Government Code 12949 to clarify that employers may require employees to comply with reasonable workplace appearance, grooming and dress standards, provided that employees are allowed to appear or dress consistently with their gender identity. Districts should consult legal counsel when prescribing or prohibiting specific items of clothing.

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

***(cf. 0415 - Equity)***

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

***(cf. 4112.21/4212.21/4312.21 - Professional Standards)***

*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*

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

~~*(cf. 5132 - Dress and Grooming)*~~

**The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)**

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

***(cf. 4030 - Nondiscrimination in Employment)***

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

**In addition, the district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)**

**This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.**

*Legal Reference: (see next page)*

## DRESS AND GROOMING (continued)

### Legal Reference:

#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

#### GOVERNMENT CODE

3543.2 Scope of representation

#### **12926 Definitions**

#### **12940 Unfair employment practices**

12949 Dress standards, consistency with gender identity

#### COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

### Management Resources:

#### **CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS**

#### **Transgender Rights in the Workplace**

#### WEB SITES

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

Public Employment Relations Board: <http://www.perb.ca.gov>

# CSBA Sample Board Policy

Students

BP 5131.2(a)

## BULLYING

Note: **Education Code 234.4, as added by AB 2291 (Ch. 491, Statutes of 2018), mandates districts to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. The following policy and accompanying administrative regulation contain sample procedures that fulfill this mandate and may be revised to reflect district practice.**

**In addition,** Education Code 234.1 and federal law **mandate** that the Governing Board adopt policy prohibiting discrimination, harassment, intimidation, ~~retaliation,~~ and bullying based on specified characteristics **and ensuring the protection of complainants from retaliation.** ~~AB 699 (Ch. 493, Statutes of 2017) amended Education Code 234.1 to include immigration status as a protected class;~~ **Also** see BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

In its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S. Department of Education Office for Civil Rights (OCR) clarified that misconduct that falls under a district's general anti-bullying policy may also trigger responsibilities under one or more federal **or state** antidiscrimination laws if the bullying is on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, age, disability, and/or another legally protected category. ~~If so,~~ Federal law requires the district to **take immediate and appropriate action to** investigate or otherwise determine what occurred and, if it finds that unlawful discrimination did occur, take prompt and effective steps reasonably calculated to end the **harassment discrimination,** eliminate any hostile environment and its effects, and prevent the **harassment discrimination** from recurring.

~~In addition,~~ OCR's ~~August 2013~~ **October 2014** Dear Colleague Letter: Responding to Bullying of Students with Disabilities points out that any bullying of ~~any~~ student with ~~a~~ disabilities that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education and must be remedied under the federal Individuals with Disabilities Education Act. As necessary, the school may need to convene the student's individualized education program (IEP) team to determine whether the student's needs have changed as a result of the bullying and, if so, revise the IEP to ensure that the student continues to receive appropriate special education and related services.

Thus, while this policy is intended to prevent and address all types of bullying incidents among students, ~~school officials need to know that~~ when "discriminatory bullying" is committed and the bullying is sufficiently serious to create a hostile educational environment for the alleged victim or to otherwise deny or limit ~~his/her~~ **the student's** educational benefits and services, including denial of a free appropriate public education, the alleged victim must be afforded the protections specified under relevant state and/or federal law.

The Governing Board recognizes the harmful effects of bullying on student **well-being,** **student** learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. ~~District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.~~ No individual or group shall, through physical, written, verbal, **visual,** or other means, harass, sexually harass, threaten, intimidate, ~~retaliate,~~ cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, **or retaliate against them for filing a complaint or participating in the complaint resolution process.**

(cf. 5131 - Conduct)

**BULLYING** (continued)

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

Note: Pursuant to Education Code 48900, the definition of "bullying" for purposes of establishing grounds for suspension or expulsion includes bullying via an electronic act, such as posting of messages on social media networks, and includes electronic acts that originate off campus.; see the section "Discipline" below and AR 5144.1 – Suspension and Expulsion/Due Process.

In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to cause harassment by a third party, and to threaten a person's safety or that of his/her family (e.g., placing a person's address online so that he/she receives harassing messages).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

*(cf. 5145.2 – Freedom of Speech/Expression)*

*(cf. 6163.4 – Student Use of Technology)*

Note: Education Code 32282 encourages districts to include bullying prevention policies and procedures in their comprehensive safety plan; see BP 0450 – Comprehensive Safety Plan. In addition, Education Code 52060 52077 require the Board to adopt and annually update a local control and accountability plan which includes, among other specified state priorities, goals for addressing school climate; see BP/AR 0460 – Local Control and Accountability Plan. Pursuant to Education Code 52060, school climate should be measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable.

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

*(cf. 0420 – School Plans/Site Councils)*

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 0460 – Local Control and Accountability Plan)*

*(cf. 1220 – Citizen Advisory Committees)*

*(cf. 6020 – Parent Involvement)*

Note: Because bullying is not limited to one and its effects extend beyond the school environment, collaboration among a variety of community agencies and organizations that serve youth may be helpful in preventing and responding to bullying. For further information about building a collaborative, see CSBA's publications Safe Schools: Strategies for Governing Boards to Ensure Student Success and Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement.

**BULLYING** (continued)

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

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 6020 - Parent Involvement)*

**Bullying Prevention**

Note: Education Code 32282 encourages districts to include bullying prevention policies and procedures in their comprehensive safety plan; see BP 0450 - Comprehensive Safety Plan. In addition, Education Code 52060-52077 require the Board to adopt and annually update a local control and accountability plan which includes, among other specified state priorities, goals for addressing school climate; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52060, school climate should be measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable.

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

**To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 engaging in bullying.**

*(cf. 5137 - Positive School Climate)*

Note: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education.

47 USC 254 mandates districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking web sites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 Student Use of Technology for language implementing this mandate.

**BULLYING** (continued)

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

~~(cf. 6142.8 – Comprehensive Health Education)~~

~~(cf. 6142.94 – History/Social Science Instruction)~~

Note: Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), requires districts to educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs and customs. The following paragraph reflects the California Attorney General's model policy developed pursuant to Education Code 234.7, contained in the Office of the Attorney General's publication *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues*, and has been expanded to include education about the impact of bullying based on any other individual characteristic.

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

Note: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), districts are **mandated** to adopt policy, equivalent to that developed by the Attorney General, which requires the provision of staff training with the components specified below.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

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

~~(cf. 4131 – Staff Development)~~

~~(cf. 4231 – Staff Development)~~

~~(cf. 4331 – Staff Development)~~

**BULLYING** (continued)

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

**Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

Note: Although Education Code 234.1 requires the district to adopt a policy requiring school personnel who witness acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against students based on the actual or perceived status of the student belonging to a protected class to take immediate steps to intervene when it is safe to do so, it is recommended that districts apply this policy equally to all students; also see AR 5145.3 – Nondiscrimination/Harassment.

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

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

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

*(cf. 6164.2 – Guidance/Counseling Services)*

**Reporting and Filing of Complaints**

Note: The following reporting process may be revised to reflect district practice.

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

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



**BULLYING** (continued)

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

*(cf. 1312.3 – Uniform Complaint Procedures)*

Note: Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 – Search and Seizure and BP/E 6163.4 – Student Use of Technology.

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

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

**Investigation and Resolution of Complaints**

Note: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on **specified characteristics** race or ethnicity, nationality, gender, sex, sexual orientation, religion, immigration status, or any characteristic contained in the definition of hate crimes in Penal Code 422.55. Pursuant to 5 CCR 4600-4633, the **uniform complaint procedures (UCP)** must be used for this purpose. In addition, federal regulations require districts to adopt procedures providing for prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).

Although some bullying incidents may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA strongly recommends that districts use the UCP to investigate all bullying incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of **his/her an** actual or perceived membership in a legally protected class. Those bullying incidents found to involve discrimination based on the results of the investigation would then be resolved using the UCP. When a bullying incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary process. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with AR 1312.3 - Uniform Complaint Procedures.

**BULLYING** (continued)

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

**Discipline**

Note: Pursuant to Education Code 48900 48900.4, "bullying" is a ground for suspension or expulsion; see AR 5144.1—Suspension and Expulsion/Due Process.

The courts have generally upheld discipline for off campus student conduct that poses an identifiable threat to the safety of other students, staff, or school property or presents a risk of substantial disruption of school activities, provided that the district is able to document the impact or disruption that the conduct has, or could be expected to have, on school activities (e.g., *Wynar v. Douglas County School District*, *Lavine v. Blaine School District*). The court in *J.C. v. Beverly Hills Unified School District* found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students).

Consistent with these interpretations, Education Code 48900 defines bullying by means of an electronic act to include creation or transmission originating on or off the school site. Thus, for purposes of determining whether the conduct may be subject to suspension or expulsion, the act does not necessarily need to have been committed while at school, while coming to or from school, or during a school sponsored activity. Nevertheless, the act needs to satisfy the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to his/her person or property, causing a substantially detrimental effect on his/her physical or mental health, causing substantial interference with his/her academic performance, or causing substantial interference with his/her ability to participate in or benefit from school services, activities, or privileges).

When the conduct does not rise to the level specified in Education Code 48900, the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief *Cyberbullying: Policy Considerations for Boards*. Also see BP 5131—Conduct and BP 5145.2—Freedom of Speech/Expression.

Additionally, districts should note that, in the context of discriminatory bullying on the basis of race, color, national origin, sex, or disability, federal law and regulations require school districts to impose discipline on students, up to and including suspension and expulsion, where necessary to remedy the effects of a hostile environment and prevent the discrimination from recurring.

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

**BULLYING (continued)**

~~(cf. 5138 – Conflict Resolution/Peer Mediation)~~  
~~(cf. 5144 – Discipline)~~  
~~(cf. 5144.1 – Suspension and Expulsion/Due Process)~~  
~~(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))~~  
~~(cf. 6159.4 – Behavioral Interventions for Special Education Students)~~

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination  
32282 Comprehensive safety plan  
32283.5 Bullying; online training  
35181 Governing board policy on responsibilities of students  
35291-35291.5 Rules  
48900-48925 Suspension or expulsion  
48985 Translation of notices  
52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime  
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

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062  
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094  
Lavine v. Blaine School District, (2002) 279 F.3d 719

**BULLYING** (continued)*Management Resources:*CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007 rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**Bullying Module**

California's Social and Emotional Learning: Guiding Principles, 2018

**Social and Emotional Learning in California: A Guide to Resources, 2018**

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to **America's** Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/l/s/ss>

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

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

Partnership for Children and Youth: <https://www.partnerforchildren.org>

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

(7/15 5/18) 5/19

# CSBA Sample Administrative Regulation

Students

AR 5131.2(a)

## BULLYING

**Note:** Education Code 234.4, as added by AB 2291 (Ch. 491, Statutes of 2018), mandates districts to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. The following administrative regulation may be revised to reflect district practice.

### Definitions

**Note:** The following section reflects definitions and examples of bullying and cyberbullying contained in the California Department of Education's (CDE) Bullying Module and may be revised to reflect district practice.

Education Code 48900 defines "bullying," including bullying via an electronic act, for purposes of establishing grounds for suspension or expulsion. See AR 5144.1 - Suspension and Expulsion/Due Process. In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to place that person in reasonable fear of the person's own or a family member's safety and for the purpose of imminently causing harassment or injury by a third party, and to threaten a person's safety or that of his/her family (e.g., placing a person's address online so that he/she receives harassing messages).

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

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 6163.4 - Student Use of Technology)*

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

- 1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures**
- 2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm**

**BULLYING** (continued)

3. **Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public**
4. **Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles**

**Measures to Prevent Bullying**

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

1. **Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate**

*(cf. 5131 - Conduct)*

*(cf. 5137 - Positive School Climate)*

2. **Providing to students, through student handbooks and other age-appropriate means, information about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying**
3. **Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously**
4. **Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias**

**Note: Although Education Code 234.1 requires the district to adopt a policy requiring school personnel who witness acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against students based on the actual or perceived status of the student belonging to a protected class to take immediate steps to intervene when it is safe to do so, it is recommended that districts apply this policy equally to all students; also see AR 5145.3 - Nondiscrimination/Harassment.**

5. **Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so**

**BULLYING** (continued)**Staff Development**

Note: Education Code 32283.5, as amended by AB 2291, requires districts to make available annually, to certificated staff and all other employees who have regular interaction with students, the CDE's online Bullying Module described below.

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: Pursuant to Education Code 234.7, districts are **mandated** to adopt policy, equivalent to that developed by the Attorney General, which requires the provision of staff training with the components specified below.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

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

**Student Instruction**

Note: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education.

## **BULLYING (continued)**

47 USC 254 mandates districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking web sites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate.

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

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

Note: Education Code 234.7 requires districts to educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs and customs. The following paragraph reflects the California Attorney General's model policy developed pursuant to Education Code 234.7, contained in the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, and has been expanded to include education about the impact of bullying based on any other individual characteristic.

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

Note: The remainder of this section reflects recommendations in CDE's Bullying Module and may be revised to reflect district practice.

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

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

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

Note: The following reporting process may be revised to reflect district practice.

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



**BULLYING** (continued)

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

Note: Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/E 6163.4 - Student Use of Technology.

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

**Discipline/Corrective Actions**

Note: Pursuant to Education Code 48900-48900.4, "bullying" is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process.

The courts have generally upheld discipline for off-campus student conduct that poses an identifiable threat to the safety of other students, staff, or school property or presents a risk of substantial disruption of school activities, provided that the district is able to document the impact or disruption that the conduct has, or could be expected to have, on school activities (e.g., Wynar v. Douglas County School District, Lavine v. Blaine School District). The court in J.C. v. Beverly Hills Unified School District found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students).

**BULLYING** (continued)

Consistent with these interpretations, Education Code 48900 defines bullying by means of an electronic act to include creation or transmission originating on or off the school site. Thus, for purposes of determining whether the conduct may be subject to suspension or expulsion, the act does not necessarily need to have been committed while at school, while coming to or from school, or during a school-sponsored activity. Nevertheless, the act needs to satisfy the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to ~~his/her~~ **the student's** person or property, causing a substantially detrimental effect on **the student's** ~~his/her~~ physical or mental health, causing substantial interference with **the student's** ~~his/her~~ academic performance, or causing substantial interference with **the student's** ~~his/her~~ ability to participate in or benefit from school services, activities, or privileges).

When the conduct does not rise to the level specified in Education Code 48900, the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief [Cyberbullying: Policy Considerations for Boards](#). Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression.

Additionally, districts should note that, in the context of discriminatory bullying on the basis of race, color, national origin, sex, or disability, federal law and regulations require school districts to impose discipline on students, up to and including suspension and expulsion, where necessary to remedy the effects of a hostile environment and prevent the discrimination from recurring.

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

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

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

*(cf. 6164.2 - Guidance/Counseling Services)*

**BULLYING** (continued)

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

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

DRAFT

# CSBA Sample Board Policy

Students

BP 5132(a)

## DRESS AND GROOMING

**Note: The following policy may be revised to reflect district practice. Pursuant to Education Code 35183, districts that adopt a school uniform policy are mandated to include specified provisions; see section on "Uniforms" below.**

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear ~~clothes~~ **clothing that are is** suitable for the school activities in which they participate. ~~Students' clothing must not~~ **Students shall not wear clothing that presents a health or safety hazard or a distraction which would interfere with the educational process or is likely to cause a substantial disruption to the educational program.**

*(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)*  
*(cf. 5145.2 - Freedom of Speech/Expression)*

**District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.**

**Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.**

*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

**Note: While students do not lose their constitutional rights by virtue of entering school grounds, numerous court decisions have found that the First Amendment rights of public school students are not necessarily the same as the rights of adults in other settings and must be viewed in light of the special circumstances of the school environment. In Hazelwood School District v. Kuhlmeier, the U.S. Supreme Court ruled that a school may limit student expression as long as its decision is reasonably related to "legitimate pedagogical concerns." For instance, districts may prohibit clothing that is vulgar or causes a substantial disruption to the educational program. Districts may also prohibit clothing that promotes drug use. While districts can regulate clothing that causes a "substantial disruption," districts cannot regulate student clothing simply because the district does not approve of the message displayed. The district's ability to prohibit "hate speech," including clothing with derogatory or demeaning messages, is unclear. The 9th Circuit Court in Harper v. Poway Unified School District ruled that a school could prohibit a student from wearing a t-shirt with a religious viewpoint against homosexuality, citing a provision in Tinker v. Des Moines which held that schools may prohibit speech that "intrudes upon the rights of other students" and interferes with their learning. However, because the student had graduated, the U.S. Supreme Court vacated the Harper decision on appeal and thus its analysis cannot be relied upon. It is recommended that the district consult legal counsel in the development of this policy and whenever it has questions about the appropriate enforcement of this policy based on student expression.**

## DRESS AND GROOMING (continued)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

*(cf. 0415 - Equity)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action. Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

*(cf. 5144 - Discipline)*

### Gang-Related Apparel

Note: Education Code 35183 authorizes the **Governing** Board to approve a site-initiated plan that prohibits the school's students from wearing gang-related apparel. The definition of "gang-related apparel" must be limited to apparel that reasonably could be determined to threaten the health and safety of the school environment, and the Board's **approval must be based on a determination** ~~approving the school plan must determine that~~ the policy is necessary for the health and safety of ~~students~~ **the school environment**. In Marvin H. Jeglin et al v. San Jacinto Unified School District et al, a federal district court held that in order to justify a gang-related dress code, there must be evidence of a gang presence at a school and actual or threatened disruption or material interference with school activity. Education Code 32282 specifies that for the purpose of establishing a schoolwide dress code, gang-related apparel shall not be considered a protected form of speech pursuant to Education Code 48950.

District policy should not include a districtwide prohibition against wearing gang-related apparel. Pursuant to Education Code 35183, such a dress code must be initiated at the school-site level and apply only to the school where it is initiated.

**DRESS AND GROOMING** (continued)

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a **proposed** dress code ~~may be included as part of the school safety plan and must~~ **shall** be presented to the Board, ~~which for approval. The Board~~ shall approve the plan upon determining that it is necessary to protect the health and safety of the ~~school's students~~ **school environment**. The dress code policy may be included in the school's comprehensive safety plan. **(Education Code 35183)**

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 5136 - Gangs)*

**When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.**

**Uniforms**

Note: **In Jacobs v. Clark County School District, the 9th Circuit Court of Appeals held that a district policy requiring students to wear school uniforms did not violate students' First Amendment right to freedom of speech or expression, as such policies are viewpoint-neutral and content-neutral and not intended to suppress the expression of particular ideas.**

**Pursuant to Education Code 35183, ~~authorizes the Board to approve a site initiated~~ the Board may approve a school-initiated plan that requires a school's students to wear uniforms. ~~The Board approving such a plan must~~ when the Board determines that the policy is necessary for the health and safety of students the school environment.**

**The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.**

~~In order to promote student safety and discourage theft, peer rivalry, and/or gang activity, the principal, staff, and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.~~

Note: **Pursuant to Education Code 35183, if ~~the Board approves a plan~~ adopts a dress code policy requiring uniforms for any school, ~~it must~~ Education Code 35183 requires that the Board provide a method whereby parents/guardians may choose to have their children exempted from the adopted school uniform policy. Education Code 35183 mandates that the Board policy include ~~and the Board's policy must state~~ a statement that such students shall not be penalized academically, otherwise discriminated against, or denied attendance to school.**

**DRESS AND GROOMING** (continued)

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

Note: Pursuant to Education Code 35183, a policy requiring uniforms may not be implemented without the availability of resources to assist economically disadvantaged students. In Hartzell v. Connell, the California Supreme Court stated that public schools may not charge a fee for any activity that is part of the regular school program. It is arguable that requiring uniforms would be considered a violation of Hartzell since the cost of the uniform could be deemed a "fee." However, the California Supreme Court in Arcadia Unified School District v. California Department of Education indicates that a court might find clothing was not an "essential element of school activity." Although the district's responsibility in this area is not clear, Boards with schools requiring uniforms are required to address this matter.

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. **(Education Code 35183)**

*Legal Reference:*EDUCATION CODE**220 Nondiscrimination**

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**Jacobs v. Clark County School District, (2008) 26 F. 3d 419****Harper v. Poway Unified School District, (2006) 445 App. 3d 166**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**Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562**Hartzell v. Connell, (1984) 35 Cal. 3d 899**Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503**

(10/94 10/96) 5/19

# CSBA Sample Administrative Regulation

Students

AR 5132(a)

## DRESS AND GROOMING

**Note: The following optional administrative regulation should be revised to reflect district practice.**

In cooperation with teachers, students, and parents/guardians, the principal or designee shall **may** establish school rules governing student dress and grooming which are consistent with law, **Governing** Board policy, and administrative regulations. These school dress codes shall be regularly reviewed.

*(cf. 0420 - School Plans/Site Councils)*

**Note: SB 310 (Ch. 575, Statutes of 2001) added Education Code 35183.5 to provide that students be allowed to wear hats and other sun protective clothing outdoors. Each school site may adopt rules that specify the types of sun protective clothing that students will be allowed to wear outdoors and specify the types of clothing and hats that may be "inappropriate."**

**Each school shall allow students to wear sun protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)**

**Note: Optional items #1-6-4 below may be used as a basis for either administrative regulations or school site rules. revised to reflect district practice.**

**In addition, the following guidelines shall apply to all regular school activities:**

- 1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.**
- 2.1. Clothing, jewelry, and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures, or any other insignia which are is crude, vulgar, lewd, obscene, profane, or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which or which promotes the use of alcohol, drugs, tobacco, or other illegal activity, advocate racial, ethnic or religious prejudice.**
- 2.2. Appropriate sShoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.**
- 3. Hats, caps, and other head coverings shall not be worn indoors.**
- 4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off the shoulder or low cut tops, and bare abdomens midriffs, and skirts or shorts shorter than mid-thigh are prohibited.**



**DRESS AND GROOMING** (continued)

5. ~~Gym shorts may not be worn in classes other than physical education.~~

6. ~~Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.~~

**The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. Coaches and teachers. In addition, the principal or designee may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes, special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.**

*(cf. 3260 - Fees and Charges)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

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

~~The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.~~

~~Each school shall allow s~~Students **shall be allowed** to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

*(cf. 5141.7 - Sun Safety)*

**Gang-Related Apparel**

Note: The following section is for use by districts in which individual schools have adopted a dress code prohibiting gang-related apparel pursuant to Education Code 35183. Legal counsel should be consulted when drafting language related to gang apparel. It is recommended that districts consult legal counsel when developing administrative regulations related to gang apparel.

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff, and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

**DRESS AND GROOMING** (continued)

Note: ~~Education Code 35183.5, as added by SB 310 (Ch. 575, Statutes of 2001), requires schools to allow students to wear hats and other types of sun-protective clothing while outside. However, the school's dress code policy may prohibit specific hats or apparel that has been determined to be gang-related.~~

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. **As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.**

**Uniforms**

Note: The following **optional** section is for use only by districts with schools that have a school uniform policy pursuant to Education Code 35183.

In schools **where that require** a schoolwide uniform **is required**, the principal, staff, and parents/guardians of the ~~individual~~ school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

***(cf. 5145.6 - Parental Notifications)***

Parents/guardians shall also be informed of their right to have their child exempted.

Note: The following **three optional** paragraphs may be revised **as desired** to reflect district practice.

~~The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.~~

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

~~The Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.~~

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

(10/96 11/01) 5/19

# CSBA Sample Board Policy

## Instruction

BP 6142.1(a)

### SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Note: The following policy is for use by districts that offer any of grades 7-12. ~~As amended by AB 329 (Ch. 398, Statutes of 2015),~~ Education Code 51934 requires districts to provide ~~both~~ comprehensive sexual health education and HIV prevention education to students in grades 7-12. See the accompanying administrative regulation for definitions and program requirements.

Education Code 51934, ~~as amended by AB 329,~~ also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. ~~Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly.~~

Sexual health education taught at any grade level must comply with the requirements of Education Code 51933. ~~Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly.~~

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program shall **address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing** ~~provide~~ students with the knowledge and skills necessary to protect them—from **risks presented by** sexually transmitted infections, ~~and~~ unintended pregnancy, **sexual harassment, sexual assault, sexual abuse, and human trafficking** and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote **students'** understanding of sexuality as a normal part of human development and—~~their~~ ~~the~~ development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, **gender identity, gender expression,** sexual orientation, relationships, marriage, and family.

*(cf. 5030 - Student Wellness)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.25 - Availability of Condoms)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6142.8 - Comprehensive Health Education)*

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

Note: The following paragraph may be revised to reflect the grade levels offered by the district.

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12, ~~including~~ at least once in junior high or middle school and at least once in high school. (Education Code 51934)

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

*(cf. 6143 - Courses of Study)*

Note: ~~The following paragraph is for use by districts that require completion of a health education course for graduation from high school, and may be adapted for use by other districts. Pursuant to Education Code 51225.36, as added by SB 695 (Ch. 424, Statutes of 2015), any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6146.1 - High School Graduation Requirements. Education Code 51225.36 also requires that teachers delivering health instruction consult information related to sexual harassment and violence in the health curriculum framework.~~

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

Note: ~~Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods by January 1, 2020. The following paragraph is for use by districts that maintain grades 6-12 and may be modified for districts that serve students in grades K-5.~~

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

Note: ~~Voluntary state content standards for health education, as adopted by the State Board of Education in 2008, include standards related to growth, development, and sexual health. See BP/AR 6142.8 - Comprehensive Health Education.~~

~~The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards. The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.~~

~~*(cf. 5141.22 - Infectious Diseases)*~~

~~*(cf. 5141.25 - Availability of Condoms)*~~

~~*(cf. 5146 - Married/Pregnant/Parenting Students)*~~

~~*(cf. 6143 - Courses of Study)*~~

Note: ~~The following paragraph is optional and should be revised to reflect district practice.~~

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

~~The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health and HIV prevention curriculum. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's program.~~

~~(cf. 1220 - Citizen Advisory Committees)~~

**Parent/Guardian Consent**

Note: Education Code 51938 requires districts to notify parents/guardians **of the about instruction in comprehensive** sexual health and HIV prevention **education** and of **the opportunity their right** to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice.

Pursuant to Education Code 51938, ~~as amended by AB 329 (Ch. 398, Statutes of 2015)~~, districts must use a "passive consent" or "opt-out" process regarding sexual health and HIV prevention education and any assessments related to that instruction. Thus, each student must receive the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction.

In addition, Education Code 51938 requires districts to use a passive consent or opt-out process **to obtain parent/guardian consent** when administering ~~to students in grades 7-12~~ an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test, **questionnaire**, or survey **containing age-appropriate questions about** ~~regarding~~ sexual attitudes or practices. **However, for** ~~For~~ any such research and evaluation tool administered prior to grade 7, Education Code 51513 requires that parents/guardians ~~must~~ give permission before the instrument is administered to their child (i.e., "active consent").

20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered **to any student, regardless of their grade level**. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement.

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

~~(cf. 5022 - Student and Family Privacy Rights)~~

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

*Legal Reference: (see next page)*

## SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

### Legal Reference:

#### EDUCATION CODE

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

**49381 Human trafficking prevention resources**

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation

51240 Excuse from instruction due to religious beliefs

51513 ~~Materials~~ **Test, questionnaire, survey, or examination** containing questions about beliefs or practices

51930-51939 California Healthy Youth Act

**51950 Abuse, sexual abuse, and human trafficking prevention education**

67386 Student safety; affirmative consent standard

#### HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

#### PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

#### UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education **requirements and prohibited use of funds**

### Management Resources:

#### CSBA PUBLICATIONS

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

#### **HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS**

**California LGBTQ Youth Report, January 2019**

#### WEB SITES

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

California Department of Education, Sex Education and HIV/AIDS/STD Instruction: <http://www.cde.ca.gov/ls/he/se>

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

**California Partnership to End Domestic Violence: <http://www.cpedv.org>**

California Safe Schools Coalition: <http://www.casafeschools.org>

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

**Human Rights Campaign: <https://www.hrc.org/hrc-story/hrc-foundation>**

U.S. Food and Drug Administration: <http://www.fda.gov>

(7/08 12/15) 5/19

# CSBA Sample Administrative Regulation

**Instruction**

AR 6142.1(a)

## **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**

Note: The following administrative regulation is for use by districts that maintain any of grades 7-12. ~~As amended by AB 329 (Ch. 398, Statutes of 2015),~~ Education Code 51934 requires districts to provide comprehensive sexual health education and HIV prevention education to students in grades 7-12.

If the district chooses to provide age-appropriate sexual health education prior to grade 7 as authorized by Education Code 51934, ~~as amended by AB 329,~~ it may revise the following administrative regulation accordingly.

### **Definitions**

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

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

(cf. 6142.8 - *Comprehensive Health Education*)

(cf. 6143 - *Courses of Study*)

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

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

### **General Criteria for Instruction and Materials**

~~Note: Education Code 51933 lists criteria for comprehensive sexual health and HIV prevention instruction and materials. AB 329 (Ch. 398, Statutes of 2015) expanded these criteria to add items #8-13 below.~~

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

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

1. Are age appropriate
2. Are **factually and** medically accurate and objective
3. **Align** **Are aligned** with and support the following purposes as specified in Education Code 51930:
  - a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
  - b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
  - c. To promote understanding of sexuality as a normal part of human development
  - d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
  - e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
4. Are appropriate for use with **English learners, students with disabilities, and** students of all races, genders, sexual orientations, and ethnic and cultural backgrounds; **students with disabilities; and English learners**

*(cf. 0410—Nondiscrimination in District Programs and Activities)*

*(cf. 1312.3—Uniform Complaint Procedures)*

*(cf. 6174 - Education for English Learners)*

5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code
6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids

*(cf. 6159 - Individualized Education Program)*



**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so
11. Teach the value of and prepare students to have and maintain committed relationships such as marriage
12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, **harassment**, and intimidation

*(cf. 5145.3 - Nondiscrimination/Harassment)*

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including **communication** **negotiation** and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
14. Do not teach or promote religious doctrine

**Components of Sexual Health and HIV Prevention Education**

Note: In addition to meeting the requirements listed above in the section "General Criteria for Instruction and Materials," the district's comprehensive sexual health education and HIV prevention instruction must include the components or topics specified in Education Code 51934, as amended by AB 329 (Ch. 398, Statutes of 2015).

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

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body
2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use
3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy

The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

*(cf. 5141.25 - Availability of Condoms)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention
5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing
6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others
7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV

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

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:
  - a. Parenting, adoption, and abortion
  - b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5
  - c. The importance of prenatal care

Note: Pursuant to Education Code 51934, as amended by AB 329 (Ch. 398, Statutes of 2015), requires that comprehensive sexual health education **must** include information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking, as provided in item #10 below, **sexual abuse, and human trafficking. AB 1861 (Ch. 807, Statutes of 2018) amended Education Code 51934 to require that the information on human trafficking include the components specified in items #10a and b below.**

In addition, pursuant to Education Code 51225.36, as added by SB 695 (Ch. 424, Statutes of 2015), any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See AR 6146.1 High School Graduation Requirements. Education Code 51225.36 also requires that teachers delivering health instruction consult information related to sexual harassment and violence in the health curriculum framework.

For further information about adolescent dating abuse, see CSBA's governance brief Promoting Healthy Relationships for Adolescents: Board Policy Considerations.

10. Information about sexual harassment, sexual assault, **adolescent relationship abuse, intimate partner violence, sexual abuse, and sex human trafficking, including:**
  - a. **Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking**
  - b. **Information on how social media and mobile device applications are used for human trafficking**

## SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

Note: Education Code 51934 requires that the comprehensive sexual health instruction include information about adolescent relationship abuse, as provided below. For further information about adolescent dating abuse, see CSBA's governance brief Promoting Healthy Relationships for Adolescents: Board Policy Considerations.

### 11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each

Note: Education Code 51934, as amended by AB 1868 (Ch. 428, Statutes of 2018), authorizes districts to provide the instruction described below. The following paragraph may be revised to reflect district practice.

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

Note: Pursuant to Education Code 51225.36, as added by SB 695 (Ch. 424, Statutes of 2015), any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6146.1 High School Graduation Requirements. Education Code 51225.36 also requires that teachers delivering health instruction consult information related to sexual harassment and violence in the health curriculum framework.

### Professional Development

The district's comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, 51933, 51934)

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

(cf. 4131 - Staff Development)

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

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

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

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

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

**Use of Consultants or Guest Speakers**

Note: Pursuant to Education Code 51933, 51934, and 51936, the district's comprehensive sexual health and HIV prevention education may be taught by outside consultants or delivered by guest speakers at an assembly, **and any** Any such instruction must comply with the same requirements as instruction provided by the district and in accordance with Education Code 51930-51939. If the district elects to use outside consultants or guest speakers, parents/guardians must be provided additional notice about the speaker and **the speaker's his/her** organization; see item #4 in the section below entitled "Parent/Guardian Notification."

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

*(cf. 6145.8 - Assemblies and Special Events)*

**Parent/Guardian Notification**

Note: Education Code 51938 requires the district to provide parents/guardians the following notification. A sample notification letter is available on the California Department of Education's web site.

**In addition, Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods by January 1, 2020; see the accompanying Board policy. Districts that combine such information with the annual notification required pursuant to Education Code 51938 may revise the following section accordingly.**

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

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

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection
2. That parents/guardians have a right to excuse their child from comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants **and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:**

~~If the district chooses to use outside consultants or to hold an assembly with guest speakers to deliver comprehensive sexual health or HIV prevention education, the notification shall include: (Education Code 51938)~~

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. ~~(Education Code 51938)~~

*(cf. 5145.6 - Parental Notifications)*

**Nonapplicability to Certain Instruction or Materials**

~~Note: Pursuant to Education Code 51932, Education Code 51930-51939 requirements pertaining to instructional content, teacher training, and parental notification and consent do not apply to instruction that is not sexual health instruction or HIV prevention education as defined. When gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or~~

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

family are addressed in a separate instructional context, such as social studies, which does not also discuss human reproductive organs and their function, this instruction shall not be considered comprehensive sexual health instruction or HIV prevention education.

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education **as defined in Education Code 51931**

*(cf. 6142.93 - Science Instruction)*

2. Instruction, ~~or~~ materials, **presentations, or programming** that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and **does** not discuss human reproductive organs and their functions

(7/08 12/15) 5/19

# CSBA Sample Board Policy

Instruction

BP 6142.6(a)

## VISUAL AND PERFORMING ARTS EDUCATION

Note: The following **optional** policy may be revised to reflect district practice. State law requires that visual and performing arts be included in the course of study offered in grades 1-6 (Education Code 51210) and grades 7-12 (Education Code 51220); see AR 6143 - Courses of Study. In addition, Education Code 51225.3 requires completion of one course in visual or performing arts, foreign language (including American Sign Language), or career technical education for high school graduation; see BP 6146.1 - High School Graduation Requirements.

**On January 9, 2019, the State Board of Education (SBE) has adopted revised content standards and proficiency levels for visual and performing arts, including standards for media arts in addition to dance, music, theatre, and visual arts at each grade level for grades K-8 and as a cluster for grades 9-12. Items #1-5 below reflect the major strands of the state content standards. The following policy reflects the updated state content standards.**

**AB 97 (Ch. 47, Statutes of 2013) redirected funding for arts and music block grants (established through uncodified SB 77, Ch. 171, Statutes of 2007) into the local control funding formula, thereby eliminating this separate source of funding for hiring of additional staff, purchase of new materials, books, supplies, and equipment; and/or staff development opportunities.**

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall **provide opportunities for creation, performance, and appreciation of the arts be designed to foster students' artistic competencies, cultivate students' appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to students' personal, academic, and professional endeavors, and support students to fully engage in lifelong arts learning.**

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

~~Note: The State Board of Education (SBE) has adopted content standards for visual and performing arts, including standards for dance, music, theatre, and visual arts at each grade level for grades K-8 and as a cluster for grades 9-12. Items #1-5 below reflect the major strands of the state content standards. Also see the SBE-adopted Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve for further information about the development of standards-aligned curriculum and instruction.~~

The Board shall adopt academic standards for dance, **media arts**, music, theatre, and visual arts that **lead to artistic literacy and promote access and equity in the arts. District standards shall** describe the skills, knowledge, and abilities that students **shall be** are expected to possess at each grade level **and. The district's standards** shall meet or exceed state standards **for each of these disciplines.**

*(cf. 0415 - Equity)*

*(cf. 6011 - Academic Standards)*



**VISUAL AND PERFORMING ARTS EDUCATION** (continued)

The Superintendent or designee shall develop a sequential curriculum for dance, **media arts**, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the ~~following strands~~ **following artistic processes**:

1. ~~Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline~~
2. ~~Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works~~
3. ~~Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline~~
4. ~~Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts~~
5. ~~Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers~~

1. **Creating: conceiving and developing new artistic ideas and work**
2. **Performing/producing/presenting: realizing artistic ideas and work through interpretation and presentation**
3. **Responding: understanding and evaluating how the arts convey meaning**
4. **Connecting: relating artistic ideas and work with personal meaning and external content**

*(cf. 6141 - Curriculum Development and Evaluation)*

Note: Pursuant to Education Code 60200, the SBE adopts basic instructional materials for use in grades K-8, including materials for visual and performing arts; see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials. Education Code 60210 authorizes the Governing Board to select materials that have not been approved by the SBE provided that the materials are aligned with state academic content standards and the majority of participants in the review process are teachers assigned to the subject area or grade level for which the materials will be used.

For grades 9-12, Education Code 60400 and 60411 authorize the Board to select district instructional materials that meet criteria specified in law.

**VISUAL AND PERFORMING ARTS EDUCATION** (continued)

The Board shall adopt standards-based instructional materials for visual and performing arts ~~in accordance with applicable law, Board policy, and administrative regulation,~~ which may incorporate a variety of media and technologies.

- (cf. ~~0400~~ **0440** - District Technology Plan)  
 (cf. 1312.2 - Complaints Concerning Instructional Materials)  
 (cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
 (cf. 6161.11 - Supplementary Instructional Materials)  
 (cf. 6162.6 - Use of Copyrighted Materials)  
 (cf. 6163.1 - Library Media Centers)

Note: Education Code 99200-9920**54** establish The California Arts Project (TCAP), a statewide professional development project in the visual and performing arts. Professional development resources also may be located through the California Dance Education Association, the California Association for Music Education, the California Educational Theatre Association, and the California Art Education Association.

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement ~~adopted instructional materials~~ **the district's arts education program.**

- (cf. 4131 - Staff Development)

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

- (cf. 1230 - School-Connected Organizations)  
 (cf. 1240 - Volunteer Assistance)  
 (cf. 1260 - Educational Foundation)  
 (cf. 1700 - Relations Between Private Industry and the Schools)  
 (cf. 3290 - Gifts, Grants and Bequests)  
 (cf. 6020 - Parent Involvement)  
 (cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate the implementation of **the district's arts education program** at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

- (cf. 0500 - Accountability)  
 (cf. 6162.5 - Student Assessment)

Legal Reference: (see next page)

## VISUAL AND PERFORMING ARTS EDUCATION (continued)

### Legal Reference:

#### EDUCATION CODE

8950-8957 California summer school **for** **of** the arts  
32060-32066 Toxic art supplies  
35330-35332 Field trips  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51225.3 Graduation requirements  
58800-58805 Specialized secondary programs  
60200-6021**03** Instructional materials, elementary schools  
60400-60411 Instructional materials, high schools  
99200-992**064** Subject matter projects

### Management Resources:

#### **CALIFORNIA ALLIANCE FOR ARTS EDUCATION PUBLICATIONS**

**Parents' Guide to the Visual and Performing Arts in California Public Schools**

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

**California Arts Framework for Public Schools, Kindergarten through Grade Twelve**

**California Arts Standards for Public Schools, Prekindergarten through Grade Twelve, January 2019**

~~Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve, 2004~~

~~Visual and Performing Arts Content Standards, January 2001~~

~~Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001~~

#### WEB SITES:

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

California Art Education Association: <http://www.caea-arteducation.org>

**California Association for Music Education: <http://www.actaonline.org/content/california-association-music-education>**

California Dance Education Association: <http://www.cdeadance.org>

California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>

California Educational Theatre Association: <http://www.cetoweb.org>

California Music Educators Association: <http://www.calmusiced.com>

The California Arts Project: <http://csmp.ucop.edu/tcap>

(11/07 12/13) 5/19

# CSBA Sample Board Policy

**Instruction**

BP 6146.1(a)

## HIGH SCHOOL GRADUATION REQUIREMENTS

Note: The following policy is for use by districts that maintain grades 9-12.

The Governing Board desires to prepare all students to obtain a high school diploma so that they can take advantage of opportunities for postsecondary education and employment.

*(cf. 5127 - Graduation Ceremonies and Activities)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6146.3 - Reciprocity of Academic Credit)*

### Course Requirements

Note: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in items #1-6 below.

Pursuant to Education Code 66204, each district that maintains a high school also is required to develop a process for submitting courses to the University of California to ensure that they align with the "a-g" course requirements for college admission.

To obtain a high school diploma, students shall complete **at least** the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Four courses in English (Education Code 51225.3) (40 credits)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

2. Three courses in mathematics (Education Code 51225.3) (30 credits)

At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

**HIGH SCHOOL GRADUATION REQUIREMENTS (continued)**

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6152.1 - Placement in Mathematics Courses)*

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

*(cf. 6142.93 - Science Instruction)*

4. Three and one half (3 ½) courses in Social Studies, including World Geography (5 credits); World History and Cultures (10 credits); United States History and Geography (10 credits); American Government and Civics (5 credits); and Economics (5 credits) (Education Code 51225.3)

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

Note: Education Code 51225.3 authorizes the Board to include a course in career technical education (CTE) as an alternative to the visual or performing arts or foreign language course requirement for high school graduation. If the Board chooses to do so, it must, at a regular Board meeting prior to allowing a CTE course as an alternative, notify parents/guardians, students, teachers, and the public of information specified in Education Code 51225.3. In addition, the information must be included in the district's annual notification to parents/guardians pursuant to Education Code 48980; see the accompanying administrative regulation. Districts that do not allow this alternative course requirement should delete references to CTE in item #5 below.

The CTE course may be offered through different means, including a district-operated program, regional occupational center or program, or county office of education program pursuant to a joint powers agreement. See BP/AR 6178 - Career Technical Education and BP 6178.2 - Regional Occupational Center/Program for program details pertaining to CTE.

5. One course in visual or performing arts; foreign language, including American Sign Language; or career technical education (CTE) (Education Code 51225.3) (10 credits: 2 semesters of the same language and/or visual performing arts)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.

*(cf. 6142.2 - World/Foreign Language Instruction)*

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

## HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

*(cf. 6142.7 - Physical Education and Activity)*

Note: Pursuant to Education Code 51225.3, the Board may prescribe additional coursework (e.g., health education, service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See **AR BP** 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation. See AR 6143 - Courses of Study.

In addition, pursuant to Education Code 51225.6, as added by AB 1719 (Ch. 556, Statutes of 2016), a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation beginning in the 2018-19 school year. See AR 6143 - Courses of Study.

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

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 6142.8 - Comprehensive Health Education)*

7. One semester of "Technology"
8. The equivalent of 75 credits of elective credits.
9. 15 hours of prior approved Community Service (this is in addition to the 245 credit graduation requirement).

*(cf. 6142.4 - Service Learning/Community Service Classes)*

Note: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study. See BP/AR 6146.11 - Alternative Credits Toward Graduation.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*

**Exemptions and Waivers from District-Adopted Graduation Requirements**

Note: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements a foster youth, homeless student, former juvenile court school student, child of a military family, or, as amended by AB 2121 (Ch. 581, Statutes of 2018), a migrant student or a newly arrived immigrant student participating in a newcomer program who transfers into the district or between district high schools any time after completing the second year of high school, or an immigrant student who is in the third or fourth year of high school and is participating in a newcomer program (i.e., a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as

BP 6146.1(d)

## HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

**a primary objective the development of English language proficiency**). This exemption does not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 - Education of Children of Military Families, AR 6173.3 - Education for Juvenile Court School Students, and AR 6175 - Migrant Education Program.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer of a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student, or **within 30 days of a student beginning participation** participating in a newcomer program, the district is required to provide notice to the student of the availability of the exemption and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student, after the homeless student ceases to be homeless, or after the student no longer meets the definition of a child of a military family, a migrant student, or a student participating in a newcomer program, as applicable.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of the fourth year of high school, the district or a district school must not require or request that the student graduate before the end of the fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures.

**District students are required to complete graduation course requirements specified above, including the requirements imposed by Education Code 51225.3 and those adopted by the Board. However, a** A foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student, ~~or newly arrived immigrant student participating in a newcomer program~~ who transfers into the district **or between district schools** any time after completing the second year of high school, **or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program,** shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempted from any additional district-adopted graduation requirements adopted by the Board that are in addition to statewide course requirements. **This exemption shall not apply if, unless** the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Within 30 days of the transfer **or of the commencement of participation in a newcomer program, as applicable,** the Superintendent or designee shall notify any **such eligible** student ~~shall be~~

**notified** of the availability of the exemption and whether the student qualifies for it. (Education Code 51225.1)

*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 5145.6 - Parental Notifications)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*

BP 6146.1(e)

## **HIGH SCHOOL GRADUATION REQUIREMENTS (continued)**

*(cf. 6173.3 - Education for Juvenile Court School Students)*  
*(cf. 6175 - Migrant Education Program)*

### **Retroactive Diplomas**

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

Note: Items #1-3 below are **optional** and may be revised to reflect district practice.

AB 3022 (Ch. 772, Statutes of 2018) amended Education Code 51430 to authorize the granting of a diploma to persons who departed California in grade 12 against their will, as defined in Education Code 48204.4, as provided in item #1 below.

In addition, the district may retroactively grant high school diplomas to: (Education Code 48204.4, 51430, 51440)

1. Persons who departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Former students who were interned by order of the federal government during World War II or who are honorably discharged veterans of World War II, the Korean War,



or the Vietnam War, provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

BP 6146.1(f)

## HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

3. Veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

### Honorary Diplomas

Note: The following **optional** section reflects the Board's authority to confer honorary high school diplomas pursuant to Education Code 51225.5 and may be revised to reflect district practice. **As amended by AB 2109 (Ch. 167, Statutes of 2018), Education Code 51225.5 authorizes the Board to grant an honorary diploma to a terminally ill student, as provided in item #2 below.**

The Board may grant **an** honorary high school diplomas **s** to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation; and who is returning to the home country following the completion of one academic school year in the district

*(cf. 6145.6 - International Exchange)*

2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

*Legal Reference: (see next page)*

## HIGH SCHOOL GRADUATION REQUIREMENTS (continued)

### Legal Reference:

#### EDUCATION CODE

- 47612 Enrollment in charter school
  - 48200 Compulsory attendance
  - 48204.4 Parents/guardians departing California against their will
  - 48412 Certificate of proficiency
  - 48430 Continuation education schools and classes
  - 48645.5 Acceptance of coursework
  - 48980 Required notification at beginning of term
  - 49701 Interstate Compact on Educational Opportunity for Military Children
  - 51224 Skills and knowledge required for adult life
  - 51224.5 Algebra instruction
  - 51225.1 Exemption from district graduation requirements
  - 51225.2 **Pupil Student** in foster care defined; acceptance of coursework, credits, retaking of course
  - 51225.3 High school graduation
  - 51225.35 Mathematics course requirements; computer science
  - 51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
  - 51225.5 Honorary diplomas
  - 51225.6 Compression-only cardiopulmonary resuscitation
  - 51228 Graduation requirements
  - 51240-51246 Exemptions from requirements
  - 51250-51251 Assistance to military dependents
  - 51410-51413 Diplomas
  - 51420-51427 High school equivalency certificates
  - 51430 Retroactive high school diplomas
  - 51440 Retroactive high school diplomas
  - 51450-51455 Golden State Seal Merit Diploma
  - 51745 Independent study restrictions
  - 56390-56392 Recognition for educational achievement, special education
  - 66204 Certification of high school courses as meeting university admissions criteria
  - 67386 Student safety; affirmative consent standard
- #### CODE OF REGULATIONS, TITLE 5
- 1600-1651 Graduation of students from grade 12 and credit toward graduation
  - 4600-4670 Uniform complaint procedures
- #### COURT DECISIONS
- O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

### Management Resources:

#### WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>
- University of California, List of Approved a-g Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>

(12/17 12/18) 5/19

### Policy Reference UPDATE Service

Copyright 2019 by California School Boards Association, West Sacramento, California 95691  
All rights reserved.

# CSBA Sample Board Policy

Community Relations

BP 1112(a)

## MEDIA RELATIONS

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

As part of building positive media relations, the district may consider presenting awards to media representatives who have helped support district goals and programs. See BP 1150 - Commendations and Awards. The district may also nominate journalists for CSBA's Golden Quill Award, which recognizes fair, insightful, and accurate reporting of the objectives, operations, accomplishments, challenges, and opportunities related to public schools.

The Governing Board respects the public's **desire for and** right to information and recognizes that the media significantly influence the community's understanding of school programs, **student achievement, and school safety**. In order to develop and maintain positive media relations, the Board and ~~the~~ Superintendent ~~desire to~~ **shall** reasonably accommodate media requests for information and ~~to~~ provide accurate, reliable, and timely information.

**In conjunction with the Superintendent or designee, the Board shall periodically establish priorities and key messages for proactively communicating with the media regarding current district issues, activities, or needs.**

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1160 - Political Processes)*

Media representatives are welcome at all **public** Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

*(cf. 9321 - Closed Session)*

*(cf. 9322 - Agenda/Meeting Materials)*

Note: Penal Code 627.2 requires all "outsiders" to register upon entering school grounds during school hours. Pursuant to Penal Code 627.1, media representatives are not defined as "outsiders." However, ~~an~~ the Attorney General **has opined** ~~opinion~~ (95 79 Ops.Cal.Atty.Gen. 509 58 (1996)) ~~has opined that,~~ **pursuant to** Education Code 32212, ~~and 35160 direct school authorities to prevent interference with the orderly educational activities of the school and authorize them to~~ **districts are authorized to prevent interference with the orderly educational activities of the school, which may include** restricting media representatives in the same manner that access by the general public may be limited (e.g., registration or accompaniment by a staff member when on school grounds). ~~Therefore, if~~ **According to the Attorney General opinion,** a district ~~that~~ **has** developed a policy requiring all members of the general public, both visitors and outsiders, to register upon entering school grounds, ~~only then~~ may **similarly require** media representatives ~~also be~~

**MEDIA RELATIONS** (continued)

~~required~~ to register **before coming on campus**. Although Attorney General opinions are not binding on the courts, they are generally afforded deference when there is no specific statutory or case law to the contrary. See BP/AR 1250 - Visitors/Outsiders for options regarding registration.

~~Although Attorney General opinions are not binding on the courts, they are generally afforded deference in the court when there is no specific statutory or case law to the contrary.~~ The following **optional** paragraph is only for use ~~only~~ by districts that require all visitors to register upon entering school grounds, **and does not apply to districts that only require outsiders to register. Districts should ensure consistency with this paragraph and** ~~see~~ BP 1250 - Visitors/Outsiders.

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

*(cf. 1250 - Visitors/Outsiders)*  
*(cf. 3515.2 - Disruptions)*

Staff may provide the media with student directory information, ~~including, but not limited to, the name of a student, school of attendance, grade level, honors, and activities,~~ **as identified in AR 5125.1 - Release of Directory Information**, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release **other student records or personally identifiable student** information that is private or confidential as required by law, Board policy, or administrative regulation. ~~No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.~~

*(cf. 1340 - Access to District Records)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 9010 - Public Statements)*  
~~*(cf. 9321.1 - Closed Session Actions and Reports)*~~  
*(cf. 9324 - Minutes and Recordings)*

**Interviewing and Photographing Students**

Note: In **95 79** Ops.Cal.Atty.Gen. **509 58** (1996), the Attorney General stated that, because students have a constitutional right to free speech, school administrators may not require prior written parental permission before allowing media representatives to interview particular students on campus. However, **Education Code 48907 and 48950 and case law has held that clarify that the district may adopt reasonable provisions for the time, place, and manner in which free expression may occur within the district's jurisdiction.** ~~students may exercise that right unless the "conduct by the student, in class or out of it, which for any reason — whether it stems from time, place or type of behavior — materially disrupts school or involves substantial disorder or invasion of the rights of others."~~ Therefore, in some circumstances (e.g., interviews during class time or interviews that identify other students by name), it may be appropriate to limit the student's ability to talk with the media on campus. Because this is a complex area of law, districts should consult with legal counsel before adopting a policy or practice that may limit students' constitutional rights.

**MEDIA RELATIONS** (continued)

Neither the Attorney General opinion nor case law considers the rights of media to photograph students on school grounds. However, the same concerns raised with regard to student interviews, such as a **substantial material disruption to the orderly operation** of school or a **substantial disorder-invasion of the rights of others, including privacy rights**, may exist with regard to photos. Furthermore, ~~it's clear that~~, in some cases, the publishing of a photo may affect student safety, ~~or privacy rights (e.g., such as when a student's whose attendance is concealed from a parent due to a domestic violence restraining order)~~. Districts should consult with legal counsel before adopting a policy or practice that may limit the photographing of students by the media.

The following **optional** paragraph should be revised to reflect district practice.

The district shall not impose restraints on students' right to speak freely with media representatives ~~at those times which do not disrupt a student's educational program~~. However, **interviewing and photographing** of students ~~may~~ **shall** not create **substantial disorder disruption to the orderly operation of the school** or impinge on the rights of ~~others~~ **or safety of students**. Therefore, ~~in order to minimize possible disruption,~~ **the district shall encourage** media representatives who wish to interview **or photograph** students at school ~~are strongly encouraged to make prior arrangements with the principal~~. ~~At their discretion, parents/guardians may instruct their children not to communicate with media representatives.~~

(cf. 5145.2 - Freedom of Speech/Expression)

Note: ~~Neither the Attorney General opinion nor case law considers the rights of media to photograph students on school grounds. However, the same concerns raised with regard to student interviews, such as a material disruption of school or a substantial disorder, may exist with regard to photos. Furthermore, it's clear that, in some cases, the publishing of a photo may affect student safety or privacy rights (e.g., a student whose attendance is concealed from a parent due to a domestic violence restraining order). Districts should consult with legal counsel before adopting a policy or practice that may limit the photographing of students by the media.~~

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

~~In order to protect the privacy and safety of students, a media representative who wishes to photograph students on school grounds should make arrangements with the principal or designee.~~

~~When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission.~~

**Media Communication Plan Contacts/Spokespersons**

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

~~In order to help develop strong relations with the media, the Superintendent or designee shall develop a proactive media communications plan. This plan may include, but not be limited~~

**MEDIA RELATIONS** (continued)

~~to, information related to district programs and needs, student awards, school accomplishments and events of special interest.~~

~~(cf. 0510 - School Accountability Report Card)~~

~~(cf. 1100 - Communication with the Public)~~

~~(cf. 1160 - Political Processes)~~

The ~~plan shall specify~~ **Superintendent or designee shall identify** the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent, ~~and~~ or the Director of Maintenance, Operations and Transportation. Other Board members and/or staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue **or appropriateness given a particular situation.**

The Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

~~(cf. 9240 - Board Training)~~

**Crisis Communications Plan**

Note: The following **optional** section may be revised to reflect district practice. CSBA recommends that districts develop a crisis communications plan to help ensure that accurate and timely information is provided to **students**, parents/guardians, the community, and the media during a crisis **or natural disaster**. This crisis plan may be a separate document or may be incorporated into other safety plans such as the district's comprehensive safety plan (see AR 0450 - Comprehensive Safety Plan) and/or emergency and disaster preparedness plan (see AR 3516 - Emergencies and Disaster Preparedness Plan).

~~The following **optional** section should be modified to reflect district practice.~~

~~During a disturbance or crisis situation, the first priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need. **The Superintendent or designee shall develop strategies for working with the media** to provide timely and accurate information to **students**, parents/guardians, and the community during a crisis **or natural disaster**. The Board also recognizes that the media have an important role to play in relaying this information to the public. In order to help ensure that the media and district work together effectively, the Superintendent or designee shall develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis. The crisis communications plan may include, but not be limited to, identification of a media center location, **strategies for press conference logistics, and development and integration of both internal and external notification systems, including public address systems, social media, web site postings, and text alerts.** and strategies for press conference logistics.~~

## MEDIA RELATIONS (continued)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 1113 - District and School Web Sites)  
(cf. 1114 - District-Sponsored Social Media)  
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The crisis communications plan may include but not be limited to identification of a media center location, development of both internal and external notification systems, and strategies for press conference logistics.

The Superintendent or designee shall include local law enforcement, and media representatives, and district technology personnel in the crisis planning process.

### Legal Reference:

#### EDUCATION CODE

32210-32212 Willful disturbance of public school or meeting

35144 Special meetings

35145 Public meetings

35160 Authority of governing boards

35172 Promotional activities

**48907 Freedom of speech and press**

**48950 Prohibition against disciplinary action for first amendment speech**

**49061 Definition of directory information**

**49073 Directory information**

#### EVIDENCE CODE

1070 Refusal to disclose news source

#### PENAL CODE

627-627.10 Access to school premises

**UNITED STATES CODE, TITLE 20**

**1232g Family educational and privacy rights**

**CODE OF FEDERAL REGULATIONS, TITLE 34**

**99.3 Definition of directory information**

#### COURT DECISIONS

*Lopez v. Tulare Joint Union High School District*, (1995) 34 Cal.App.4th 1302

#### ATTORNEY GENERAL OPINIONS

~~95~~ **79** *Ops. Cal. Atty. Gen.*, ~~509~~ **58** (1996)

### Management Resources:

#### WEB SITES

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

(10/96 7/01) 7/19

### Policy Reference UPDATE Service

Copyright 2019 by California School Boards Association, West Sacramento, California 95691  
All rights reserved.

# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3320(a)

## CLAIMS AND ACTIONS AGAINST THE DISTRICT

Note: The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against public entities, including school districts. In City of Stockton v. Superior Court, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract.

Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

**Pursuant to Government Code 935, district claims procedures may include a requirement that a claim be presented and acted upon in accordance with those procedures as a prerequisite to a lawsuit. Failure to include such a requirement may subject the district to increased liability.**

**Unless otherwise provided by law, prior to filing a lawsuit against the district for money or damages, a written claim shall be filed in accordance with the following administrative regulation.**

### Time Limitations

Note: Items #1-4 below list timelines for claims pursuant to the Government Claims Act and other applicable statutes. **As amended by SB 1053 (Ch. 153, Statutes of 2018), Pursuant to Government Code 935, the district's authority clarifies that the authority of a district to adopt local claims presentation procedures for causes of action which are excepted from the Government Claims Act by Government Code 905 and are not governed is not applicable to those excepted causes of action which have their claims presentation procedures specified in by other statutes or regulations, such as does not apply to childhood sexual abuse. Rather, claims for childhood sexual abuse are governed by the timelines and procedures specified in Code of Civil Procedure 340.1.**

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to childhood sexual abuse or any other cause of action which is specifically excepted from the Government Claims Act by Government Code 905, and for which governed by a statute or regulation provides a claims presentation procedure, including childhood sexual abuse, and other causes of action specifically excepted from the Government Claims Act by Government Code 905 shall be filed in accordance with the applicable governing statute or regulation. (Government Code 905, 935)

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

**(cf. 5141.4 - Child Abuse Prevention and Reporting)**



**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

Note: Pursuant to Government Code 935, a district may establish its own procedure for the presentation of those claims which are excluded from the Government Claims Act as specified in Government Code 905 **and which are not governed by any other applicable statutes or regulations**. Optional item #2 below is for use by any district whose board has chosen to exercise the authority to establish district procedures for such claims; see the accompanying Board policy. Item #2 provides six months as the time limitation for filing such claims, which is consistent with the requirement in Government Code 935 that the district's procedure not require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Governing Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, item #2 should be revised accordingly.

If a claimant misses a deadline for a claim required to be submitted in accordance with item #2 or #3 below, **he/she the claimant** may present an application to present a late claim pursuant to Government Code 911.4; see section below entitled "Late Claims."

2. In accordance with the **Governing** Board's authority pursuant to Government Code 935, claims for money or damages which relate to any cause of action specifically excepted from the Government Claims Act by Government Code 905 **but and** which are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 935)
3. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the **Governing** Board not later than six months after the accrual of the cause of action. (Government Code 911.2)
4. Claims for money or damages relating to any other cause of action shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.2)

**Receipt of Claims**

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

Note: In most circumstances, a district's insurance provider or JPA is responsible for claims management, including investigating, defending, and managing a district's response to a claim presented under the Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

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

**Review of Contents of the Claim**

Note: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all the information listed below.

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

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case **of \$25,000 or less.**
7. The signature of the claimant or the person acting on **his/her the claimant's** behalf

**Notice of Claim Insufficiency**

Note: Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

## **CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

Note: Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.

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

### **Amendment to Claims**

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

### **Late Claims**

Note: The reference to item #2 in the following paragraph should be deleted if the district has not established district procedures pursuant to Government Code 935 for claims that are specifically exempted in Government Code 905 or adopted a time limitation that is not less than one year (see the accompanying Board policy and item #2 in the section "Time Limitations" above).

For claims under items #2 and #3 in the section "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.4)

Note: If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its agent should notify the claimant that "no action" was taken because the claim was presented late. If the Board were to state that the claim was "rejected," this would indicate that the Board had accepted the filing of the late claim and taken action to reject it.

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

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

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

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

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

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

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

**Action on Claims**

Note: **Pursuant to Government Code 945.6, if** the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action **or fails to provide written notice rejecting the claim, the claim is considered to be rejected, but** the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.

Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.

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

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

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

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

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

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

(7/18 10/18) 7/19

# CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3551(a)

## FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: The following policy may be revised to reflect district practice. Pursuant to U.S. Department of Agriculture (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) are **mandated** to adopt policy addressing delinquent meal charges; see the section "Meal Sales" below and the accompanying administrative regulation.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to construct buildings. Revenues also may not be used to purchase land or buildings, unless otherwise approved by the USDA. Authorized expenditures are **specified in Education Code 38101 and** defined in the California Department of Education's (CDE) California School Accounting Manual.

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

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3311 - Bids)*

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 5030 - Student Wellness)*

Note: **The following paragraph is for use by districts that participate in the National School Lunch and/or Breakfast Program and may be adapted for use by other districts.** Pursuant to 42 USC 1776 and 7 CFR 210.30, as amended by 84 Fed. Reg. 8247, ~~the~~ USDA has established minimum professional standards for food service ~~personnel~~ directors and granted CDE the authority to adopt more flexible standards for districts with average daily attendance of less than 2,500. ~~With approval from the CDE, more flexible standards may be used in districts with average daily attendance of less than 500 or in districts of any size when hiring a new acting food services director. For more information about professional standards for food service directors, see CDE's Nutrition Services Division Management Bulletin SNP 17-2016. See CDE's Nutrition Services Division Management Bulletin 10-2019 for information about state hiring standards.~~

The Superintendent or designee shall ensure that **all** food service ~~personnel~~ director(s) possess the ~~required~~ qualifications **required by 7 CFR 210.30 and California Department of Education (CDE) standards,** and receive ongoing professional development related to ~~the effective management and implementation of the district's food service program in accordance with law.~~

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see [the CDE's web site](#).

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

**Meal Sales**

Note: The following section may be revised by districts that have one or more high-poverty schools that operate under the federal universal meal service provision (42 USC 1759a), which provides breakfast and/or lunch free of charge to all students at the school. For further information, see [BP/AR-3553 - Free and Reduced Price Meals](#).

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

Note: Pursuant to Education Code 38082, the Governing Board may adopt a resolution to authorize serving meals to additional persons other than those listed above. CDE's Nutrition Services Division Management Bulletin [No. 00-111](#) states that the Board's policy or resolution must specify the means for serving those persons and indicates that using funds from the National School Lunch or Breakfast Program to serve any nonstudent would be contrary to program goals. The following **optional** paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.

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

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

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see [AR 3553 - Free and Reduced Price Meals](#). For information about setting prices for full-price meals, see 42 USC 1760 and CDE's Nutrition Services Division Management Bulletin [USDA-SNP-16-2012 12-2018](#).

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. **Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.**

*(cf. 3553 - Free and Reduced Price Meals)*

Note: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are **mandated** to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. See the accompanying administrative regulation for additional language fulfilling this mandate. **Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), districts must make the meal charge policy public.**

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with **BP/AR 3553 - Free and Reduced Price Meals**, 2 CFR 200.426, and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public **pursuant to Education Code 49557.5.**

Note: **Education Code 49557.5 requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students with unpaid meal fees are not shamed or treated differently than other students. For further information, see** Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, ~~the district's unpaid meals policy must ensure that students with unrecovered or delinquent debt are not overtly identified. In addition, Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students with unpaid meal fees are not shamed or treated differently than other students.~~

**In addition, Education Code 49557 requires the Board to approve a plan that ensures students eligible to receive free or reduced-price meals are not treated differently from other students, including, but not limited to, assurance that eligible students will not be overtly identified by the use of special tokens, tickets, or any other means. For additional language addressing this requirement, see BP/AR 3553 - Free and Reduced Price Meals.**

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees **or a student who is enrolled in the free or reduced-price meal program is not overtly identified, by the use of special tokens, tickets, or other means and is not shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557, 49557.5)**

Note: ~~Education Code 49557 requires the Board to approve a plan that ensures students eligible to receive free or reduced price meals are not treated differently from other students, including, but not limited to, assurance that eligible students will not be overtly identified by the use of special tokens, tickets, or any other means. For additional language addressing this requirement, see BP/AR 3553 - Free and Reduced Price Meals.~~



## FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

~~Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.~~

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

*(cf. 0415 - Equity)*

### Cafeteria Fund

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

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

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

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

Note: The following **optional** paragraph may be revised to reflect district practice. 2 CFR Part 200, Appendix VII and USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

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

*(cf. 3230 - Federal Grant Funds)*

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

## FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

### Contracts with Outside Services

Note: The following section is **optional**. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.

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

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

### Procurement of Foods, Equipment and Supplies

Note: The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. ~~This provision indicates~~ **USDA Memorandum SP 38-2017 clarifies** that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to **USDA the** Memorandum **SP-24-2016**, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

Limited exceptions to the Buy American requirement are described in USDA Memorandum SP 38-2017. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s).

Pursuant to Education Code 49563, ~~as added by SB 730 (Ch. 571, Statutes of 2017), the~~ CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

Note: Pursuant to Food and Agriculture Code 58595, as added by AB 822 (Ch. 785, Statutes of 2017), a district that solicits bids for the purchase of an agricultural product must give preference for California-grown agricultural products, with certain conditions, as provided below.

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Note: Pursuant to Public Contract Code 20111, as amended by SB 544 (Ch. 395, Statutes of 2017), districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326 in regard to bid solicitations and awards. Also see BP/AR 3230 - Federal Grant Funds. Districts that do not participate in such a program may revise the following paragraph.

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

**Program Monitoring and Evaluation**

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

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

During the Administrative Review, CDE will review district policies on charge accounts, alternate meals, unpaid meal charges, and guidelines for continually notifying parents/guardians of these policies.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

*Legal Reference:*EDUCATION CODE

38080-38086.1 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~~  
 49550-49564.5 Meals for needy students, **especially:**  
**49550.5 Universal breakfast**  
**49554 Contract for services**  
 49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

2000-2002 Responsive bidders

20111 Contracts

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.~~318317~~-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

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: (see next page)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)***Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia School Accounting ManualFood Distribution Program Administrative Manual**Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin, SNP-10-2019, April 2019****Paid Lunch Equity Requirement and Calculation Tool, NSD Management Bulletin, SNP-12-2018, May 2018****Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, and Additional Guidance on the Handling of Unpaid Meal Charges, NSD Management Bulletin, SNP-03-2018, February 2018***Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018**Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017***Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015****Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, NSD Management Bulletin, USDA SNP-06-2015, May 2015***Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013***Paid Lunch Equity Requirement, NSD Management Bulletin, USDA SNP-16-2012, October 2012***Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, 00-111, July 2000*U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONSFAQs About School Meals**Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 38-2017, June 2017****Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016***Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017**Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016***Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016***Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016***Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016***Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014*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>*

(5/17 3/18) 7/19

# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3551(a)

## FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: Districts that have one or more high poverty schools operating under the federal universal meal service provision (42 USC 1759a), which provides breakfast and/or lunch free of charge to all students at the school (i.e., "universal meal service") at one or more schools pursuant to 42 USC 1759a or Education Code 49550.5 should revise the following administrative regulation accordingly. Also see BP/AR 3553 - Free and Reduced Price Meals.

### Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day, which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Nutrition Services Division Management Bulletin SNP-06-201503-2018 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day.

In addition to providing meals at no cost to students who are eligible, the district may offer meals at no cost to students who qualify for reduced-price benefits. Districts that choose to eliminate reduced-price meal charges may still claim the meals at the reduced-price rate, but the cost difference between the reduced-price meal and the no-cost meal must be covered by the district's cafeteria fund. Districts that choose to do so may modify the following paragraph accordingly. For more information, see the U.S. Department of Agriculture's (USDA) Memorandum SP 17-2014.

The following section includes recommendations of the CDE's Nutrition Services Division Management Bulletin and the USDA's "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

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

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

*(cf. 3552 - Summer Meal Program)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3555 - Nutrition Program Compliance)*

Note: CDE's program monitoring process (the Administrative Review) requires districts to continually notify parents/guardians of district policies regarding meal payments, including charge accounts and alternate meals if applicable. Districts should, at a minimum, inform parents/guardians at the beginning of the school year and on an ongoing basis of district practices for students who have lost or forgotten their meal payment. In addition, districts should set up a system for notifying parents/guardians when a student's meal payment account has a low or negative balance.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

According to USDA's Memorandum SP-23-2017, the district's policy on delinquent meal payments must be communicated in writing to all households at the start of each school year and to households transferring to the school during the school year. CDE's Nutrition Services Division Management Bulletin SNP-03-2017 states that, at a minimum, districts should use the methods specified below to communicate the district's meal policy.

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

*(cf. 1113 - District and School Web Sites)*  
*(cf. 5145.6 - Parental Notifications)*

Note: The following **optional** paragraph may be revised to reflect district practice. According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved; **(2) maintains a list of students who have reported lost and stolen tickets and the number of occurrences for each student;** ~~(2)~~ **(3)** issues at least one advance warning to the student or ~~his/her~~ **the student's** parent/guardian prior to refusing to issue a replacement ticket; and ~~(3)~~ **(4)** does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

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

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

*(cf. 3580 - District Records)*

Note: Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, districts must ensure that students who are approved for reduced-price meals receive all meals that are paid for. Any excess payments must be either carried over or refunded to the parents/guardians. The following paragraph extends this provision to also apply to students paying for full-price meals.

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or be refunded to the student's parents/guardians.

**Unpaid and Delinquent Meal Charges**

Note: The following section reflects requirements applicable to districts participating in the National School Lunch and/or Breakfast Program and may also be used by districts that do not participate in the program. Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are **mandated** to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. Such policy may be consistent for all students or vary by grade level. The following section may be revised to reflect district practice.

~~Pursuant to Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), the district must notify parents/guardians within 10 days of a negative balance in their child's school meal account. Prior to sending the notification to the parent/guardian, the district must exhaust all options and methods to certify the student for free or reduced price meals. The district is required to reimburse meal fees paid by the parent/guardian during any time that the student would have been eligible for free or reduced price meals, to the extent that the expense is reimbursable under the National School Lunch Program.~~



**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

At its discretion, the district may choose to also notify parents/guardians before the student's meal account reaches a negative balance. The following paragraph may be modified to reflect district practice.

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

Note: Education Code 49557.5, as added by SB 250 (Ch. 726, Statutes of 2017), prohibits the use of a debt collector to collect unpaid school meal fees.

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

Note: The following **optional** paragraph reflects CDE guidance in its Nutrition Services Division Management Bulletin SNP-03-2017.

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

Note: CDE's Nutrition Services Division Management Bulletin SNP-03-2017 requires that the district's unpaid meal policy conform with the cost principles set forth in 2 CFR 200.426, as provided below.

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

Note: Pursuant to CDE's Nutrition Services Division Management Bulletins ~~SNP 06 2015 and~~ SNP-03-2017, delinquent debt must be reclassified as bad debt and written off as an operating loss if it is not paid by the end of the fiscal year in which the debt was incurred, unless the district enters into a repayment plan with the parent/guardian prior to the end of the fiscal year or the debt occurs fewer than 90 days prior to the end of the fiscal year. Federal funds are not available to reimburse the district for bad debt. Districts are required to maintain related records in accordance with 7 CFR 210.9 and 210.15.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

**Reimbursement Claims**

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

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

**Donation of Leftover Food**

~~Note: The following section is optional and may be revised to reflect district practice. Health and Safety Code 114079, as amended by SB 557 (Ch. 285, Statutes of 2017), authorizes districts to provide "sharing tables" where food service staff, students, and faculty may return appropriate food items which may then be shared with other students or donated to a food bank or any other nonprofit charitable organization.~~

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

*(cf. 3510 - Green School Operations)*

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

**Cafeteria Fund**

Note: Education Code ~~38091~~ **38093** authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, ~~38091~~ **38093**)

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

**Note: Education Code 38101, as amended by AB 3043 (Ch. 593, Statutes of 2018), permits a district, with approval from CDE, to utilize cafeteria funds to pay for the purchase of a mobile food facility. However, if the district uses federal reimbursements from any of the federal child nutrition programs for such purchase, the mobile food facility shall only be used to support the administration of those federal programs. Mobile food facilities used for any purposes other than to support the administration of federal child nutrition programs shall not be purchased with cafeteria funds.**

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

**Note: The following optional paragraph is for use by districts that choose to provide universal breakfast (free of charge to all students) at one or more schools. Pursuant to Education Code 49550.5, as added by AB 3043, districts may use cafeteria funds to supplement the cost of providing universal breakfast provided they submit the required certification to CDE. The requirement to submit certification does not apply to any district that provides universal breakfast pursuant to a federally authorized provision (e.g., Provision 1, 2, or 3 or the Community Eligibility Provision of the National School Lunch Act).**

**With CDE approval, the district may use cafeteria funds to supplement the provision of universal breakfast. On or before July 1 of each year, the district shall submit to CDE a Board-signed application certifying that breakfast will be provided to all students at no charge and that any cost above the amount provided in federal reimbursement will be covered by the district with nonfederal funds. (Education Code 49550.5)**

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

*(cf. 3110 - Transfer of Funds)*

**Note: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200 Appendix VII and USDA guidance SP 60-2016, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.**

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

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

Note: Pursuant to 7 CFR ~~210.7~~ **210.14** and ~~220.14~~ **220.7**, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. **CDE's Nutrition Services Division Management Bulletin NSD-SNP-07-2013 provides that the** ~~The~~ spending plan developed by the district under such circumstances must be approved by the CDE.

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. ~~(2 CFR 220.14)~~ **(7 CFR 210.14, 220.7)**

**U.S. Department of Agriculture Foods**

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

**The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)**

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

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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

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

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

**Contracts with Outside Services**

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

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

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

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

*(cf. 3312 - Contracts)*

*(cf. 3515.6 - Criminal Background Checks for Contractors)*

*(cf. 3600 - Consultants)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*  
*(cf. 4212 - Appointments and Conditions of Employment)*

DRAFT

(5/17 3/18) 7/19

# CSBA Sample Administrative Regulation

Certificated Personnel

AR 4117.7(a)  
4317.7

## EMPLOYMENT STATUS REPORTS

Note: Education Code 44030.5 and 44242.5, as added and amended by AB 449 (Ch. 232, Statutes of 2013), and 5 CCR 80303, as amended by Register 2014, No. 14, require the Superintendent to make a report to the Commission on Teacher Credentialing (CTC) when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. Upon notification by the district or other specified agencies, the CTC may conduct a review and take an adverse action against the certificated employee, including, but not limited to, suspension or revocation of the credential.

Pursuant to 5 CCR 80303, the report must be made regardless of any proposed or actual agreement, settlement, or stipulation between the district and the employee not to make such a report. The report must also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement, or other failure to contest the truth of the allegations.

Pursuant to Education Code 44030.5 and 5 CCR 80303, as amended, the Superintendent's failure to make the report of the change in employment status or to notify the affected employee of the contents of 5 CCR 80303 would be considered unprofessional conduct and, if it is determined that the Superintendent refused or willfully neglected to make the report, he/she the Superintendent may be found guilty of a misdemeanor and fined.

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected

*(cf. 4116 - Probationary/Permanent Status)*  
*(cf. 4117.6 - Decision Not to Rehire)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

2. Resigns

*(cf. 4117.2/4217.2/4317.2 - Resignation)*

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy

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

## EMPLOYMENT STATUS REPORTS (continued)

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

Note: Pursuant to Education Code 44030.5 and 44242.5, as added and amended by AB 449 (Ch. 232, Statutes of 2013), a change in employment status due solely to unsatisfactory performance or a reduction in force does not require a report to the CTC.

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4117.3 - Personnel Reduction)*

Note: Education Code 44030.5 requires the Superintendent to submit the report to the CTC within 30 days of the change in employment status. 5 CCR 80303, as amended by Register 2014, No. 14, requires the CTC to acknowledge receipt of the report within 30 days of receipt.

5 CCR 80303, as amended, describes the contents that must be included in the report. The report should be made using a notification form available on the CTC's web site and attaching relevant documents, evidence, and materials related to the district's investigation of the misconduct.

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by the CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

### Additional Reports of Employee Misconduct

Note: Notification forms for the reports specified in items #1-2 below are available on the CTC's web site.

The Superintendent or designee shall submit a report to the CTC, using a form provided by the CTC and attaching all relevant documents, whenever:



## EMPLOYMENT STATUS REPORTS (continued)

Note: Pursuant to Education Code 44940, the district must notify **the** CTC when an employee has been charged in court with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 **or a violation or attempted violation of Penal Code 187 (murder)**. Also see ~~BP~~AR 4118 - Dismissal/Suspension/Disciplinary Action. Upon receiving notification from the district regarding any such offense, **the** CTC will automatically suspend the employee's credential. Education Code 44423.5 also requires **the** CTC to suspend an individual's credential upon receiving notice that another state has taken final action to revoke the individual's credential.

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 **or violation or attempted violation of Penal Code 187 (murder)**. (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to **the** CTC. In addition, **he/she the Superintendent or designee** shall report to **the** CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

Note: According to **the** CTC's notification form, submission of this notification to **the** CTC does not relieve the district of the obligation to also submit an employment status report of the same misconduct when the district takes disciplinary action resulting in a change in employment status.

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board. (Education Code 44242.5, 44420)

Note: Education Code 44242.5 gives **the** CTC authority to review any of the violations described in items #1-3 below upon receiving notice from a district. Since the law does not require districts to report these violations to **the** CTC, the district should revise the following list to identify the types of violations that it will report and then ensure consistent implementation.

As appropriate, the Superintendent or designee also shall notify **the** CTC of any of the following:

Note: Pursuant to Education Code 44242.5, **the** CTC will not consider action on the basis of alleged sexual misconduct (item #1 below) unless there is evidence in the form of a written or oral declaration under penalty of perjury that confirms the personal knowledge of the declarant regarding the acts alleged to constitute misconduct.

**EMPLOYMENT STATUS REPORTS** (continued)

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

***(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)***

The notice to **the** CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

*(cf. 1312.1 - Complaints Concerning District Employees)*

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

*(cf. 5145.7 - Sexual Harassment)*

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

*(cf. 5125 - Student Records)*

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

*Legal Reference: (see next page)*

**EMPLOYMENT STATUS REPORTS (continued)**

*Legal Reference:*

EDUCATION CODE

- 44009 Conviction of specified crimes
- 44010 Sex offense, definitions
- 44011 Controlled substance offense, definitions
- 44030.5 Employment status reports
- 44225 Powers and duties of ~~the~~ CTC
- 44242.5 Reports and review of alleged misconduct
- 44420-44440 Adverse actions by CTC against credential holder
- 44932 Causes for dismissal
- 44940 Sex offenses and narcotic offenses; compulsory leave of absence
- 44940.5 Compulsory leave of absence
- 44955-44958 Reduction in force

PENAL CODE

**187 Murder**

CODE OF REGULATIONS, TITLE 5

- 80303 Reports of change in employment status, alleged misconduct
- 80304 Notice of sexual misconduct

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013  
2019

WEB SITES

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

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

# CSBA Sample Board Policy

Classified Personnel

BP 4218(a)

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

**Note: The following policy is for use by districts that have not incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have incorporated the merit system, see BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).**

**The following policy is subject to collective bargaining and may be deleted or revised by any district whose collective bargaining agreement covers classified employee dismissal, suspension, and other disciplinary action.**

**The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, and administrative regulation.**

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 4000 - Concepts and Roles)*

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

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

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

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4200 - Classified Personnel)*

**Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.**

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

**Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.**

**At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing. A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.**

*(cf. 4216 - Probationary/Permanent Status)*

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

Note: Education Code 45113 mandates districts not incorporating the merit system to prescribe, by written rule or regulation, causes and procedures for disciplinary action against permanent classified employees. Also see the accompanying administrative regulation.

Permanent classified employees shall be subject to personnel disciplinary action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause as specified in the accompanying administrative regulation. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive. (Education Code 45113)

**Procedures for Disciplinary Proceedings**

Note: The following section should be revised to reflect district practice. Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any recommendation for disciplinary action against the employee, including a time period during which the employee may request a hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.

Pursuant to Education Code 45113, the Governing Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code 11500-11529. The following section is for use by boards who conduct their own hearing and should be revised by boards that use a hearing officer.

As amended by AB 2234 (Ch. 996, Statutes of 2018), Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6. In conducting hearings on such matters, the administrative law judge is required to comply with Education Code 44990-44994, as added by AB 2234, pertaining to the testimony of minor witnesses.

If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.

If the employee fails to file a notice of appeal request a hearing within the time specified in the notice, in these rules, he/she shall be the employee is deemed to have waived his/her the right to appeal do so, and the Board may order the recommended personnel disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board, All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California.) except in those cases where the Board determines to hear the appeal itself. except that, if the matter involves an allegation of egregious misconduct as defined in

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

**Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)**

*(cf. 3515.3 - District Police/Security Department)*

In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of legal counsel and witnesses. The parties-employee shall be notified of the time and place of the hearing.

**The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)**

*(cf. 9321 - Closed Session)*

The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by legal counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer.

The Board may use the services of its legal counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. The Board or the hearing officer may review and consider the records of any prior personnel action proceedings against the employee in which a personnel disciplinary action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing. Neither the Board nor a hearing officer shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.

At any time before an employee's appeal a matter is finally submitted to the Board or to a hearing officer for decision, the complainant the Superintendent or designee may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel disciplinary action. If the amended or supplemental recommendation presents includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

~~If the appeal is heard~~ **Following the hearing** by the Board, the Board shall affirm, modify, or revoke ~~reject~~ the recommended personnel **disciplinary** action **recommended by the Superintendent or designee**. The decision of the Board shall be in writing and shall contain findings of fact and the ~~personnel~~ **disciplinary** action approved, if any. The decision of the Board shall be final.

~~If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within 10 days after the proposed decision is filed by the Board. The Board may:~~

- ~~(1) Adopt the proposed decision in its entirety.~~
- ~~(2) Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.~~
- ~~(3) Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.~~
- ~~(4) Reject the proposed decision in its entirety.~~

~~d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "7c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.~~

~~e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.~~

**8. Hearing Decision**

~~The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.~~

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. **Within 10 working days of the Board's final decision, a** copy of the decision shall be delivered to the appellant or his/her **employee and/or** designated representative personally or by registered mail. **The decision of the Board shall be final.**

**In cases involving an allegation of egregious misconduct, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)**

*Legal Reference:*EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

**44031 Personnel file**

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

**44990-44994 Testimony of minor witnesses at dismissal or suspension hearings**

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

45113 Rules and regulations for classified service in districts not incorporating the merit system

45123 Employment after conviction of sex or narcotics offense

**45124 Dismissal of sexual psychopath****45202 Transfer of accumulated sick leave and other benefits following dismissal****45240-45320 Merit system, classified employees**CODE OF CIVIL PROCEDURE**1286.2 Grounds for vacating decision of arbitrator**GOVERNMENT CODE**11500-11529 Administrative adjudication****12900-12996 Fair Employment and Housing Act****54957 Brown Act open meeting laws; closed session**HEALTH AND SAFETY CODE**11054 Schedule I; substances included****11055 Schedule II, substances included****11056 Schedule III, substances included****11357-11361 Marijuana****11363 Peyote****11364 Opium****11370.1 Possession of controlled substances with a firearm**

*Legal Reference continued: (see next page)*



**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

*Legal Reference: (continued)*

**PENAL CODE**

**187 Murder**

**667.5 Sex offenders**

**830.32 Peace officers employed by district**

**1192.7 Violent or serious felony**

**11165.2-11165.6 Child abuse or neglect, definitions**

**VEHICLE CODE**

**1808.8 School bus drivers; dismissal for safety-related cause**

**UNITED STATES CODE, TITLE 42**

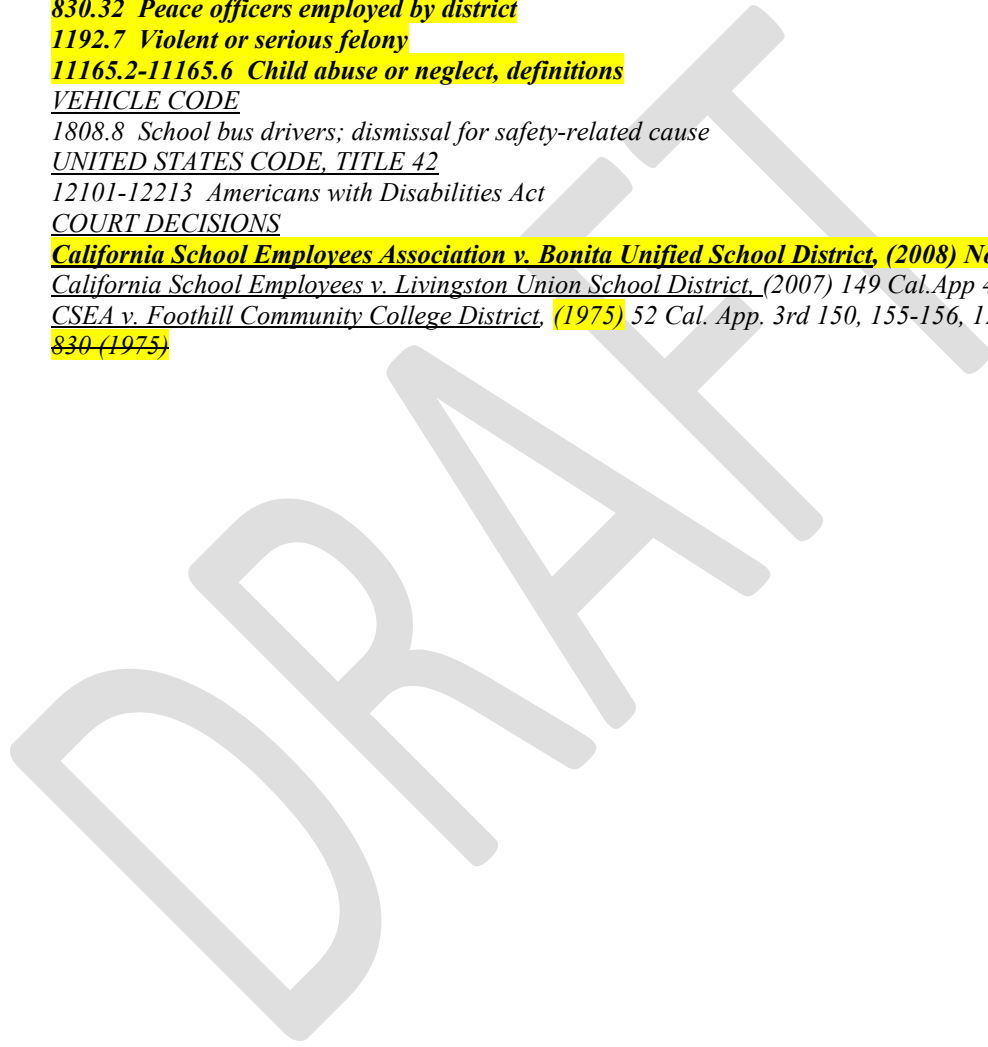
**12101-12213 Americans with Disabilities Act**

**COURT DECISIONS**

**California School Employees Association v. Bonita Unified School District, (2008) No. B200141**

**California School Employees v. Livingston Union School District, (2007) 149 Cal.App 4<sup>th</sup> 391**

**CSEA v. Foothill Community College District, (1975) 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975)**



# CSBA Sample Administrative Regulation

Classified Personnel

AR 4218(a)

## DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

### Termination of Probationary Employment

Note: In accordance with Education Code 35161, the Board can delegate to the Superintendent or designee the authority to dismiss probationary classified employees as set forth below.

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

### Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

### Causes for Disciplinary Action

Note: **The following section should be revised to reflect district practice.** Education Code 45113 mandates districts not incorporating the merit system to prescribe, by rule or regulation, causes for disciplinary action against permanent classified employees. Pursuant to Education Code 45101, such employees may be disciplined only for cause as so prescribed. In merit system districts, causes for suspension or dismissal are those designated by rule of the commission and those specified in Education Code 45303. If negotiated collective bargaining agreements contain different provisions for employee discipline, those negotiated agreements would take precedence over this regulation for those employees covered by the collective bargaining agreements.

#### 1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee: **A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:**

Note: Pursuant to Education Code 45122.1, 45123, and 45124, districts that use the merit system may not employ or continue to employ anyone who has been convicted of a **specified sex offense, controlled substance offense, or violent or serious offense as defined described in item #1, except for employees who have been rehabilitated or had their conviction reversed or the charges dismissed.** In addition, these districts may not employ anyone who has been convicted of a controlled substance offense unless the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. Also see AR 4112.5/4212.5/4312.5 - Criminal Record Check.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

~~k.1.~~ **Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6**

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

*(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

**2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)**

~~t.3.~~ **Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee against any student or other employee**

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

~~p.4.~~ **Violation of or refusal to obey state or federal law or regulation, district, Board or departmental rule, policy, or district or school procedure.**

~~a.5.~~ **Falsifying Falsification of** any information supplied to the ~~school~~ district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.

~~b.6.~~ **Unsatisfactory performance Incompetency.**

~~e.~~ **Inefficiency.**

**7. Unprofessional conduct**

~~f.8.~~ **Dishonesty.**

~~d.9.~~ **Neglect of duty or absence without leave.**

~~e.10.~~ **Insubordination.**

~~f.~~ **Dishonesty.**

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

**g.11.** ~~Drinking alcoholic beverages~~ **Use of alcohol or a controlled substance** while on duty or in such close time proximity thereto as to ~~cause any detrimental effect upon~~ **affect** the employee's **performance** ~~or upon employees associated with him/her.~~

*(cf. 4020 - Drug and Alcohol-Free Workplace)*

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

*(cf. 4159/4259/4359 - Employee Assistance Program)*

Note: The following cause for disciplinary action deliberately makes no mention of drug addiction. It is not against the law to be an addict, and punishing someone for being an addict could lead to discrimination claims under the Americans with Disabilities Act.

**h.** ~~Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.~~

**i.** ~~Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.~~

**j.** ~~Absence without leave.~~

**k.** ~~Immoral conduct~~

**l.** ~~Discourteous treatment of the public, students, or other employees.~~

**m.** ~~Improper political activity.~~

**n.** ~~Willful disobedience.~~

**e.12.** ~~Destruction or misuse of district property.~~

*(cf. 4040 - Employee Use of Technology)*

**p.** ~~Violation of district, Board or departmental rule, policy, or procedure.~~

**e.13.** Failure to ~~possess or keep in effect~~ **fulfill any ongoing condition of employment including, but not limited to, maintenance of** any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.

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

*(cf. 4212 - Appointment and Conditions of Employment)*

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.

**Note: Pursuant to the federal Americans with Disabilities Act (42 USC 12101-12213) and the state's Fair Employment and Housing Act (Government Code 12900-12996), the district has a duty to reasonably accommodate qualified employees with known disabilities, except when such accommodation would cause an undue hardship to the district. This accommodation is not required for individuals who are not otherwise qualified for the job.**

s.14. A physical or mental **disability condition** which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law **regulating the retirement of employees.**

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.

u.15. Unlawful **Retaliation** against any **other district officer or employee or member of the public person** who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on **or directly related to** the job **or directly related thereto.**

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

**16. Violation of Education Code 45303 or Government Code 1028 (advocacy of communism)**

v.17. Any other **failure of good behavior either during or outside of duty hours misconduct** which is of such nature that it causes discredit **or injury** to the district or **his/her the employee's position** employment.

**An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)**

*(cf. 5145.2 - Freedom of Speech/Expression)*

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

Except as defined in item "s" above, no personnel **No disciplinary** action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. **(Education Code 45113)**

*(cf. 4216 - Probationary/Permanent Status)*

**2. — Initiation and Notification of Charges**

Note: ~~In districts not incorporating the merit system,~~ Education Code 45113 **mandates the Board districts** to adopt disciplinary procedures which contain provisions for giving classified employees a written notice of specific charges, ~~procedures, and employee rights,~~ **the employee's right to a hearing on those charges, the time within which the hearing may be requested, and a card or paper to complete to request a hearing.**

~~The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.~~

~~In all cases involving a personnel action, the person initiating the action~~ **The Superintendent or designee** shall file a ~~written~~ **any** recommendation ~~of personnel~~ **for a disciplinary** action **in writing** with the **Governing** Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The ~~recommendation~~ **notice** shall, **in ordinary and concise language,** ~~include:~~ **inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)**

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

- a. ~~A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).~~
- b. ~~A statement of the cause or causes for the personnel action, as set forth above.~~
- e. ~~A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.~~

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

d. — A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.

e. — A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

**3. — Employment Status Pending Appeal or Waiver**

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal, or waiver thereof. If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

**4. — Time Limit of Suspension**

Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

**5. — Right to Appeal Request for Hearing**

Note: In *California School Employees Association v. Livingston Union School District*, a district's policy, pursuant to Education Code 45113, required that the employee be provided written notice of his right to request a hearing on the charges within five days "after service of the notice." The notice was delivered via

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

certified mail to the employee's post office box, but the employee did not actually receive the notice until several months later. The district denied the employee's late request for a hearing on the grounds that it was not received within five days from the date the notice was mailed. The court held that the district's notice was invalid because it was not "reasonably calculated" to notify the employee of the action and to afford him an opportunity to request a hearing. Thus, when calculating the five day response timeline, districts should be careful to ensure that the notice has first been received by the employee. As provided in the section "Initiation and Notification of Charges" above, Education Code 45113 requires that the notice of disciplinary action include the time within which a hearing may be requested, which cannot be less than five days after service of the notice to the employee. In California School Employees Association v. Livingston Union School District, the appeals court ruled that the district failed to provide due process to an employee when it denied the employee the opportunity to request a hearing based on the employee's failure to respond within five days after service of the notice. The district's policy had established the date of "service of the notice" as the date of mailing, but the employee was a 10-month employee who was out of town when the notice was delivered. The court held that the notice was not "reasonably calculated" to provide an opportunity to timely request a hearing. Thus, it is recommended that districts use the date of the employee's receipt of the notice as the date upon which the five-day response period begins.

Within ~~five calendar days after receiving the time specified in the notice of the recommendation of personnel disciplinary action described above,~~ the employee may ~~appeal request a hearing on the charges~~ by signing and filing the card or paper included with the ~~recommendation notice.~~ **(Education Code 45113)**

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of ~~appeal~~ **the request for a hearing.** ~~A notice of appeal is filed only by delivering the~~ **The notice of appeal request shall be delivered** to the office of the Superintendent or designee during normal work hours of that office. ~~A notice of appeal may be~~ **If** mailed to the office of the Superintendent or designee, ~~it but~~ must be received or postmarked no later than the time limit ~~stated herein~~ **specified by the district.** In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any ~~appeal of the recommendation of~~ **request for a hearing on the** dismissal shall also constitute ~~an appeal of a request to hear~~ the suspension order, and the necessity of the **suspension** order shall be an issue in the ~~appeal~~ hearing.

~~If the employee fails to file a notice of appeal within the time specified, in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.~~

### ~~3. Employment Status Pending a Hearing Appeal or Waiver~~

~~Except as provided herein, any A classified employee against whom a recommendation of personnel disciplinary action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal, or waiver thereof. pending any hearing on the charges, unless~~ **If** the Superintendent or designee determines



**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

that a permanent classified employee should be dismissed and that his/her continuing the **employee's continuance** in active duty status would present an unreasonable risk of harm to students, staff, or property. ~~while proceedings are pending, the~~ **The** Superintendent or designee may, **in writing**, order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be ~~in writing~~ and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

**6. Amended/Supplemental Charges**

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action. If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

**7. Hearing Procedures**

a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 1150 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.

b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

e. — If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within 10 days after the proposed decision is filed by the Board. The Board may:

(1) — Adopt the proposed decision in its entirety.

(2) — Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.

(3) — Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.

(4) — Reject the proposed decision in its entirety.

d. — If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "7c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.

e. — In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.

**8. — Hearing Decision**

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision.

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

~~A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.~~

**4. ~~Time Limit of Suspension~~**

~~Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.~~

**OPTION 1 – Nonmerit System Districts****9. ~~Compulsory Dismissal~~**

~~Note: This section applies to districts that have not adopted the merit system. Pursuant to Education Code 45123, these districts may not employ or continue to employ anyone who has been convicted of any sex offense as described below. In addition, these districts may not employ anyone who has been convicted of a controlled substance offense as described below unless the Board determines from the evidence it requires that the person has been rehabilitated for at least five years.~~

~~The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. However, the district may employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)~~

~~The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.~~

**OPTION 2 – Merit System Districts****9. ~~Compulsory Leave of Absence~~**

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**

Note: Education Code 45304 requires that the Board in merit system districts immediately place on compulsory leave of absence any district or county office of education employee who is charged with a "mandatory leave of absence offense" as defined in Education Code 44940. Mandatory leave offenses are sex offenses and offenses involving the furnishing of certain drugs to minors. The Board may require compulsory leave for an employee charged with an "optional leave of absence offense." Optional leave of absence offenses are offenses involving murder, attempted murder, and the possession or sale of certain drugs. State law requires that classified employees in merit system districts and certificated employees be immediately placed on compulsory leave of absence following conviction for certain offenses specified in Education Code 44940, and gives districts discretion to place such employees on leave for other specified offenses. Although existing state law does not explicitly provide for application to classified employees in nonmerit system districts, such districts have authority pursuant to Education Code 45113 to establish causes for suspension or dismissal. The following section may be revised to reflect district practice.

Employees charged with a "mandatory leave of absence offense" as defined in Education Code 44940 shall be placed immediately on compulsory leave of absence for not more than 10 days after entry of judgment in the criminal proceedings, unless the leave is extended as provided below. (Education Code 45304)

Employees charged with an optional leave of absence offense as defined in Education Code 44940 may be placed immediately on compulsory leave of absence under the terms and conditions stated below. (Education Code 45304)

Despite the disposition of criminal charges, the Board reserves the right to dismiss an employee for the facts upon which the criminal charges were based. An employee ultimately found guilty by the Personnel Commission to have committed the acts upon which the original charges were based may be dismissed. If so dismissed, the employee is not entitled to compensation during the time of his/her suspension, unless otherwise required by law. An employee shall be given notice of the possibility of being dismissed without pay during the compulsory suspension if he/she is ultimately found guilty of the acts leading to the criminal charges, despite the disposition of the charges by the court.

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder or attempted murder)
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION** (continued)

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

10. — Extension of Compulsory Leave

Note: Pursuant to Education Code 45304, employees placed on compulsory leave are subject to the procedures of Education Code 44940.5.

The Board may extend an employee's compulsory leave of absence by giving him/her notice, within 10 days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. Employee compensation during the period of compulsory leave shall be made in accordance with law. (Education Code 44940.5)

# CSBA Sample Board Policy

Students

BP 5123(a)

## PROMOTION/ACCELERATION/RETENTION

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

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

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

*(cf. 6011 - Academic Standards)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*(cf. 6170.1 - Transitional Kindergarten)*

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

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

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

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

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

**PROMOTION/ACCELERATION/RETENTION (continued)**

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

4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

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

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

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

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

1. Performance on NWEA Measurement of Academic Progress (MAP)
2. District-adopted curriculum assessments

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

Note: According to the California Department of Education's (CDE) "FAQs Pupil Promotion and Retention," student results from the California Assessment of Student Performance and Progress may be included as indicators of academic achievement for the purpose of identifying students for promotion or retention as provided in Option 2 below, but should not be the only criterion until minimum performance levels for this purpose have been established by CDE. Other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below.

**PROMOTION/ACCELERATION/RETENTION (continued)**

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

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

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

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

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

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

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

Note: Education Code 37252.2 requires districts to provide supplemental instruction to students in grades 2-9 who have been retained or recommended for retention. Education Code 37252.8 authorizes, but not does require, districts to provide supplemental instruction to students in grades 2-6 who have been identified as at risk of retention. Pursuant to Education Code 48070.5, the Board must adopt policy indicating the manner in which **supplemental** instruction for these purposes will be provided **to students who are recommended for retention or are identified as being at risk for retention**. See BP 6179 - Supplemental Instruction for language fulfilling this mandate.



**PROMOTION/ACCELERATION/RETENTION** (continued)

When any student in grades 2-9 is ~~retained or~~ recommended for retention **or is identified as being at risk for retention**, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. ~~The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention.~~ (Education Code ~~37252.2, 37252.8,~~ 48070.5)

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

*Legal Reference:*EDUCATION CODE~~37252-37254.1 Supplemental instruction~~

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education ~~plan~~ **program**

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>

(12/13 12/15) 7/19

# CSBA Sample Board Policy

Students

BP 5136(a)

## GANGS

Note: The following **optional** policy and regulation may be used as a component of a **the district's** comprehensive **district** safety plan and should be revised to reflect district **circumstances** **practice**. See **BP/AR 0450 - Comprehensive Safety Plan**.

**The National Gang Center, in its publication Gangs in Schools, recommends adopting policy that addresses gang-related incidents.**

The Governing Board desires to keep district schools free from the threats or harmful influence of any groups **or gangs which who** exhibit **drug use, violence or disruptive behavior disruptive to the school environment and/or the safety and well-being of students. The Board additionally desires to provide support and intervention to students who are members of gangs to enable them to successfully disengage from gang involvement and be successful in school.** ~~The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.~~

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3513.4 - Drug and Alcohol Free Schools)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5137 - Positive School Climate)*

Note: ~~Education Code 51265 urges districts to give high priority to inservice programs on gang violence and substance abuse prevention education.~~

~~The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.~~

Note: The following paragraph is based on the Los Angeles Police Department's "Why Young People Join Gangs," available on its web site.

~~The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. The Superintendent or designee shall develop strategies for gang prevention that address the reasons that students may become involved in gangs, including the identity, recognition, or status achieved as being part of a gang, protection from gang violence in the community, the need for companionship and an extended family, intimidation to join a gang, desire to~~

## GANGS (continued)

**join a gang to be in a position to intimidate others, and/or connection with criminal activity.**

**Note: The following paragraph reflects recommendations in the National Gang Center's Strategic Planning Tool and Gangs in Schools, both available on its web site.**

**Age appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten. Gang violence prevention shall start as early as possible and include, but not be limited to, age-appropriate education that focuses on developing emotional and social competence, increasing prosocial peer bonds, strengthening attachment and commitment to school, and enhancing cooperative learning skills. Prevention shall also include improving parent/guardian involvement in and support for their children's academic progress, as well as ongoing gang awareness education for parents/guardians, including gang identifiers.**

*(cf. 5020 - Parent Involvement)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

**The Superintendent or designee shall take steps to deter gang activity on school campuses, including threats and intimidation of students and staff, recruitment or intimidation of students to join gangs, bullying, fighting, criminal activities, and confrontations between members of different gangs.**

*(cf. 5131.2 - Bullying)*

**Note: Education Code 35183 authorizes the Governing Board to approve a site-initiated plan that prohibits the school's students from wearing gang-related apparel. The definition of "gang-related apparel" must be limited to apparel that reasonably could be determined to threaten the health and safety of the school environment, and the Board's approval must be based on a determination the policy is necessary for the health and safety of the school environment. In Marvin H. Jeglin et al v. San Jacinto Unified School District et al, a federal district court held that in order to justify a gang-related dress code, there must be evidence of a gang presence at a school and actual or threatened disruption or material interference with school activity. Education Code 32282 specifies that for the purpose of establishing a schoolwide dress code, gang-related apparel shall not be considered a protected form of speech pursuant to Education Code 48950. For further information, see BP/AR 5132 - Dress and Grooming.**

**To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the **principal or designee and the student's** parent/guardian.**

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 5132 - Dress and Grooming)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

**GANGS (continued)**

Note: Education Code 51265 urges districts to give high priority to in-service **training** programs on gang violence and substance abuse prevention education.

The Superintendent or designee shall provide in-service training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources. **The Superintendent or designee shall also provide staff development on social and emotional learning, classroom management, interactive teaching, and cooperative learning skills.**

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**The Superintendent or designee may consider gang activity prevention and intervention when developing programs outside of the school day.**

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Preschool/Early Childhood Education)*

*(cf. 5148.3 - Before/After School Programs)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

**The Superintendent or designee shall collaborate with child welfare services, mental health agencies, social services, and local law enforcement authorities in the prevention and intervention of gang activity.**

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*Legal Reference: (see next page)*

## GANGS (continued)

### *Legal Reference:*

#### EDUCATION CODE

32282 *School safety plans*

35183 *Gang-related apparel*

48907 *Student exercise of free expression*

**48950 *Student freedom of speech***

51264 *Educational inservice training; CDE guidelines*

51265 *Gang violence and drug and alcohol abuse prevention inservice training*

51266-51266.5 *Model gang and substance abuse prevention curriculum*

#### PENAL CODE

186.22 *Participation in criminal street gang*

13826-13826.7 *Gang violence suppression*

#### UNITED STATES CODE, TITLE 20

7101-7122 *Student Support and Academic Enrichment Grants*

### **Management Resources:**

#### **LOS ANGELES POLICE DEPARTMENT PUBLICATIONS**

**Why Young People Join Gangs**

#### **NATIONAL GANG CENTER PUBLICATIONS**

**Strategic Planning Tool**

**Gangs in Schools, March 2019**

**Parents' Guide to Gangs, July 2015**

#### **WEB SITES**

**California Cities Gang Prevention Network: <http://www.ccgpn.org>**

**California Department of Education: <https://www.cde.ca.gov/lr/ss/sa>**

**Gang Resistance Education and Training: <https://www.great-online.org/GREAT-Home>**

**Los Angeles Police Department, Gangs:**

**[http://www.lapdonline.org/get\\_informed/content\\_basic\\_view/1396](http://www.lapdonline.org/get_informed/content_basic_view/1396)**

**Homeboy Industries: <https://homeboyindustries.org>**

**National Gang Center: <https://www.nationalgangcenter.gov>**

# CSBA Sample Administrative Regulation

Students

AR 5136(a)

GANGS

Note: The following **optional** administrative regulation may be revised to reflect district practice.

## Prevention, **and** Intervention, **and** Suppression Measures

Note: The following **optional** administrative regulation may be revised to reflect district practice.

Districts may consider utilizing the Gang Resistance Education and Training Program (G.R.E.A.T.) for students in grades 4-7. Taught by local law enforcement, the program is designed to create stronger bonds with students and their communities and has a family component aimed at strengthening the resiliency of individual families susceptible to gang influences.

**The Superintendent or designee shall become informed of the gang history in the district and community, conduct assessments of current gang activity at the school sites, and document and follow up on gang-related incidents.**

In order to discourage the influence of gangs, ~~school staff shall take~~ the following measures **shall be implemented:**

1. Any student **suspected of gang affiliation based on the** displaying **of** behavior, gestures, apparel, or paraphernalia ~~indicative of gang affiliation~~ shall be referred to the principal or designee, **and the following actions taken, as appropriate:-**
  - a. The student's parent/guardian shall be contacted and may be asked to meet with school staff **in order to proactively address the concern and be included as part of the solution.**
  - b. The student may be sent home to change clothes if necessary.

*(cf. 5132 - Dress and Grooming)*

- c. The student's behaviors and progress in school shall be documented, including attendance and grades.**

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.11 - Attendance Supervision)*

*(cf. 5113.12 - District School Attendance Review Board)*

*(cf. 6164.2 - Guidance/Counseling Services)*

GANGS (continued)

d. **Intervention techniques such as mentoring, academic support, and a system of wraparound support service shall be implemented to help the student disengage from gang involvement.**

e. **Consistent and graduated discipline and accountability shall be implemented when appropriate and combined with positive support using conflict-resolution strategies and other restorative justice practices demonstrated to be effective with gang-involved youth.**

~~2. Staff members shall be provided with the names of known gang members.~~

~~3.~~

f. ~~Students who seek~~ **Students shall be offered** help in rejecting gang associations, **including possible referral** ~~may be referred~~ to community-based gang suppression and prevention organizations.

g. **Law enforcement shall be notified if the student is suspected of being involved in gangs.**

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

4.2. Any ~~gang~~ graffiti on school premises shall be removed, washed down, or painted over as soon as discovered. Graffiti shall be **documented and** photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders. **This information can also be used to determine whether a threat or incident is imminent.**

~~a. Daily checks for graffiti shall be made throughout the campus.~~

~~b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.~~

*(cf. 3515 - Campus Security)*

*(cf. 5131.5 - Vandalism and Graffiti)*

5.3. Classroom and after-school programs **may include gang prevention lessons that are taught jointly by teachers, counselors, law enforcement, and/or other organizations that are knowledgeable about gang prevention and** ~~at each school shall; be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also;~~

**GANGS** (continued)

- a.** Provide social and emotional learning designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities
- a.b.** Explain the dangers of gang membership
- b.c.** Provide counseling for targeted at-risk students
- e.d.** Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, anti-bullying, anger management, acceptance ethnic/cultural tolerance, and mediation skills

*(cf. 5131.2 - Bullying)*

- d.e.** Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang
- e.f.** Provide school-to-career instruction
- f.g.** Provide positive interaction with local law enforcement staff

*(cf. 5137 - Positive School Climate)*

Gang prevention lessons may be taught jointly by teachers and law enforcement staff.

- 6.4.** Staff shall actively promote membership in authorized school clubs and student organizations, sports and cultural activities and affiliations with the local community, and community service projects which can provide students companionship, safety, and a sense of purpose and belonging, including:
  - a.** Positive sports and cultural activities and affiliations with the local community

*(cf. 6145 - Extracurricular and Cocurricular Activities)**(cf. 6142.4 - Service Learning/Community Service Classes)**(cf. 6145.2 - Athletic Competition)*

- b.** Structured, goal-oriented community service projects

*(cf. 6142.4 - Service Learning/Community Service Classes)***Parent/Guardian and Community Outreach**

Note: The following optional section may be revised to reflect district practice. is offered for districts that wish to provide gang education programs for parents/guardians or the community.



**GANGS (continued)**

**The Superintendent or designee may offer g** Gang prevention classes or counseling **offered** for parents/guardians **which may shall** address the following topics:

**1. The reasons students join gangs**

~~1.2.~~ The dangers **and consequences** of gang membership

~~2.3.~~ Warning signs which may indicate that ~~children~~ **students** are at risk of becoming involved with gangs, **including the use of social media for gang communication and promotion**

~~3.4.~~ The nature of local gang apparel and graffiti

~~4.5.~~ Effective parenting techniques **and planning family time**

~~5.6.~~ Conflict resolution techniques

**In addition, the Superintendent or designee may offer c**Community programs **shall that** address: ~~1. T~~the scope and nature of local gang problems **and** ~~2. S~~strategies by which each segment of the community may alleviate gang problems.

# CSBA Sample Board Policy

Instruction

BP 6142.2(a)

## WORLD/~~FOREIGN~~ LANGUAGE INSTRUCTION

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

**Education Code 51220 requires districts that serve students in grades 7-12 to offer courses in world languages. In January 2019, the State Board of Education adopted revised content standards and proficiency levels for world languages. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in May 2020.**

**The following policy may be revised by districts that do not maintain any of grades 7-12. Districts that do not maintain secondary schools may adapt this policy to reflect any elementary school K-6 programs designed to develop student's literacy in a language other than English. Education Code 51212 states legislative intent to encourage programs of world language (foreign language) instruction as early as feasible for the district.**

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop **linguistic proficiency, communicative** and cultural **proficiency and** literacy in one or more world languages **in addition to English.**

Note: **The California Department of Education's (CDE) Foreign Language Framework for California Public Schools encourages districts to offer as many language course options as possible. Within the context of the CDE's framework, The following paragraph may be revised to reflect language courses available in the district. The revised state content standards acknowledge the need for the study of a wide variety of languages, and recognize American Sign Language is recognized as a foreign world language.**

**The following paragraph may be revised to reflect language courses available in the district.**

The Superintendent or designee shall recommend **a variety of** world languages to be taught in the district's educational program based on student interest, community needs, and available resources. **He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language.**

**For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)**

**If American Sign Language courses are offered, they** shall be open to all students regardless of hearing status.

*(cf. 6174—Education for English Learners)*

**WORLD/FOREIGN LANGUAGE INSTRUCTION** (continued)

Note: On January 7, 2009, the State Board of Education (SBE) adopted voluntary content standards for world languages for grades K-12; see the accompanying administrative regulation. Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in 2020.

In addition, Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California colleges and universities; see BP 6143 - Courses of Study. Admissions criteria for California State University and University of California include two years of coursework in one foreign language other than English that has been approved by the University of California. "Frequently Asked Questions" in the University of California's A-G Policy Resource Guide, available on its web site, clarify that American Sign Language may be used to fulfill the requirement if used with a language other than English, but signing in English will not satisfy the requirement. The following paragraph may be revised by districts that do not maintain any of grades 7-12.

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

Note: The following paragraph is for use by districts that maintain any of grades 7-12 and may be revised to reflect the grade levels at which instruction in world languages will be offered in the district. Education Code 51220 requires that the adopted course of study for grades 7-12, beginning no later than grade 7, include instruction in world languages designed to develop a facility for understanding, speaking, reading, and writing the particular language; see AR 6143 - Courses of Study.

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

(cf. 6143 - Courses of Study)

Note: The following optional paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either foreign language, American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, foreign language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 - Alternative Credits Toward Graduation.

A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126 - Awards for Achievement.

**WORLD/FOREIGN LANGUAGE INSTRUCTION** (continued)

Students shall obtain credit toward high school graduation requirements for completion of a one-year course in a world language or American Sign Language during grades 9-12.

*(cf. 5126 - Awards for Achievement)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

Note: The following **optional** paragraph is for use by districts that choose to offer a dual-language immersion program and may be revised to reflect district practice. ~~Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305-310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all of the instruction is in English, and may offer dual language immersion programs or other language acquisition programs. Also see BP/AR 6174 - Education for English Learners. The CDE and the The Center for Applied Linguistics notes that dual-language immersion programs are often focused on the primary grades and that such programs may continue for five to seven years but optimally throughout grades K-12.;~~ Also see the accompanying administrative regulation.

For further information and recommendations regarding dual-language immersion programs, see CSBA's governance brief English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs.

The district may establish a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. (Education Code 305-306)

Note: Pursuant to Education Code 60119, as a condition of receiving funds for instructional materials from any state source, the Governing Board is required to hold a public hearing to determine, **through a resolution**, whether each student **in the district** has sufficient textbooks and/or instructional materials in specified subjects, including **foreign world** language, that are aligned to the state content standards or curriculum frameworks; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

*(cf. 1240 - Volunteer Assistance)*

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6163.1 - Library Media Centers)*

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, **including communicative and cultural proficiency and understanding**.

**WORLD/FOREIGN LANGUAGE INSTRUCTION** (continued)

*(cf. 4131 - Staff Development)*

Note: The following **optional** paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either **foreign world language, which includes** American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, **foreign world language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 - Alternative Credits Toward Graduation.**

**A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126 - Awards for Achievement.**

**Students shall obtain credit toward high school graduation requirements for completion of completing one year of a one-year course in a world language or American Sign Language course during grades 9-12.**

*(cf. 5126 - Awards for Achievement)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

Note: A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate **a high level of proficiency** in speaking, reading, and writing skills in one or more languages in addition to English. **The California Spanish Assessment, which is part of the California Assessment of Student Performance and Progress, can be used to measure a student's competency in the Spanish language and is suitable for assessing qualifications for the State Seal of Biliteracy. See the California Department of Education's California Spanish Assessment Fact Sheet.** Also see BP/AR 5126 - Awards for Achievement.

**The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.**

*(cf. 5126 - Awards for Achievement)*

Note: The following **optional** paragraph should be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating the district's world/foreign languages instructional program.

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, **whether the district's world language program is serving the grade levels required by law,** a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards

**WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)**

for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*EDUCATION CODE

300-310 Education for English learners

42238.02 Local control funding formula; class size requirements

44253.1-44253.11 Qualifications of teachers of English learners

44256-44257 Credential requirements, including teachers of foreign world language

48980 Parental notifications

51212 Legislative intent to encourage foreign world language instruction in grades 1-6

51220 Courses of study, grades 7-12

51225.3 High school graduation requirements

51243-51245 Alternative credits toward graduation for foreign world language instruction in private school

60119 Public hearings, instructional materials

60605.3 Content standards for world language instruction

60605.5 Revision of state standards for world language instruction

CODE OF REGULATIONS, TITLE 5

1632 Alternative credits toward graduation for foreign language instruction in private school

**11300-11316 Multilingual and English learner education**

*Management Resources:*CALIFORNIA SCHOOL BOARDS ASSOCIATION CSBA PUBLICATIONS

**Proposition 58 Regulations, Fact Sheet, August 2018**

**English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018**

**English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

**Two-Way Language Immersion Program Multilingual FAQ**

**World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve**

**California Spanish Assessment Fact Sheet, March 2019**

**World Languages ~~Content~~ Standards for California Public Schools, Kindergarten Through Grade Twelve, adopted January 7, 2009 2019**

**California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017**

**Foreign Language Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003**

CENTER FOR APPLIED LINGUISTICS PUBLICATIONS

**Guiding Principles for Dual Language Education, Second Edition, 2007**

Management Resources continued: (see next page)

**WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)**

*Management Resources: (continued)*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-622 *Serving English Learners*

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

21st Century Skills Map: World Languages, January 2011

UNIVERSITY OF CALIFORNIA PUBLICATIONS

A-G **Policy Resource** Guide

WEB SITES

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

American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association for Bilingual Education: <http://www.gocabe.org>

California Department of Education, **Foreign World Languages**: <http://www.cde.ca.gov/ci/fl>

California Language Teachers' Association: <http://www.clta.net>

California **Foreign World Language Project**: <http://www.stanford.edu/group/CFLP>

~~California Language Teachers' Association: <http://www.clta.net>~~

Center for Applied Linguistics: <http://www.cal.org>

**National Education Association, Partnership for 21st Century Skills:**  
<http://www.nea.org/home/34888.htm>

University of California, ~~a-g Course Approval~~ **A-G Policy Resource Guide:**  
<http://www.ucop.edu/agguide>

(3/09 3/17) 7/19

# CSBA Sample Administrative Regulation

Instruction

AR 6142.2(a)

## WORLD/FOREIGN LANGUAGE INSTRUCTION

### Content of Instruction

Note: Items #1-~~53~~ below reflect the ~~five~~ **three** categories of content standards for world languages adopted by the State Board of Education (SBE) ~~on in January 7, 2009~~ **2019**. Within each category, the state standards describe four proficiency levels or performance benchmarks. Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by ~~March 31, 2019~~. **The revised content standards also address information literacy, technology literacy, media literacy, and emotional literacy as outlined in the National Education Association's 21st Century Skills Map.**

The district may revise the following list to reflect ~~the topics to be~~ addressed in the district's **world language** program.

The district's instructional program for world languages shall be designed to help students gain knowledge about ~~new~~ language systems, **develop a cultural understanding**, and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

~~1. Content: Students shall be presented with a wide variety of content that is age and stage appropriate and increases in complexity.~~

~~(cf. 6011 Academic Standards)~~

~~2.1.~~ **Communication:** Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages, **including:**

**a. Language functions, which describe the purposes to which language is used in culturally appropriate real-world communication**

**b. The setting in which the language is used, which includes using language both within and beyond the classroom to interact in local communities and abroad**

**c. The structures used to convey meaning**

~~3.2.~~ **Cultures:** Students shall receive instruction that allows them to **make connections and comparisons between language and culture interact, with competence and understanding, with those who are native to the language in a variety of real-world settings.**



**WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)***(cf. 6142.94 - History-Social Science Instruction)*

4. **Structures:** The curriculum shall address components of grammar, syntax, and language patterns appropriate to the language being taught.
3. **Connections:** Students shall receive instruction that builds, reinforces, and expands their knowledge of other disciplines using the language to develop critical thinking and problem-solving skills, and to access and evaluate information and diverse perspectives readily or only available through the language and its cultures, in order to function in real-world, academic and career-related settings.
5. **Settings:** To help students comprehend meaning and use language that is culturally appropriate, students shall develop knowledge of the context or setting in which language is used, such as common daily settings, interpersonal settings, and informal and formal settings.

*(cf. 6011 - Academic Standards)***Dual-Language Immersion Programs**

Note: The following **optional** section is for use by districts that choose to establish a dual-language immersion program integrating native English speakers and English learners in a class that is taught in both English and a second language; see the accompanying Board policy.

Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305.310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all classroom instruction is provided in English, and may offer dual language immersion programs or other language acquisition programs. See BP/AR 6174 – Education for English Learners.

Items #1-2 below reflect program models **described** on the California Department of Education's (CDE) web site and may be revised to reflect district practice.

The district's dual-language immersion programs may be based on either or both of the following models:

1. A 50:50 model in which instruction is provided in the non-English target language for 50 percent of the time and in English for 50 percent of the time, throughout the duration of the program
2. A 90:10 model in which instruction is provided in the non-English target language for 90 percent of the time and in English for 10 percent of the time during the first year of the program, decreasing the percentage of time in the non-English language in each subsequent year until there is a 50:50 balance of languages

**WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)**

*(cf. 6174 - Education for English Learners)*

Note: The following two paragraphs reflect recommendations of the CDE in its "Two Way Language Immersion Program FAQ," available on its web site, and may be revised to reflect district practice.

Native English speakers shall generally be admitted into the program only during the first grade level at which the program is offered, and English learners during the first or second grade level at which the program is offered. Bilingual students may enter the program at any time. On a case-by-case basis, the Superintendent or designee may admit a student later in the program if ~~he/she determines~~ **it is determined** that the student is adequately prepared for and will benefit from the program.

Note: The following paragraph reflects the recommendation of CDE in its "Multilingual FAQ," available on its web site, and may be revised to reflect district practice.

In enrolling students for the program, the district shall strive to maintain a ratio of half native English speakers and half English learners, and such ratio shall not fall below one-third for either language group except under exceptional circumstances.

Note: The following paragraph may be deleted by districts that do not offer a dual-language immersion program in any of grades K-3. Pursuant to Education Code 310, as amended by Proposition 58 (November 2016), all language acquisition programs must comply with requirements related to class size in grades K-3.

Any dual-language immersion program offered in grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

*(cf. 6151 - Class Size)*

Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

*(cf. 4112.22 - Staff Teaching English Learners)*

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the district's dual-language immersion program and other language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program. (Education Code 310)

*(cf. 5145.6 - Parental Notifications)*

**WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)**

Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1 44253.11 and CTC leaflet CL 622, *Serving English Learners*. Also see AR 4112.22 *Staff Teaching English Learners*.

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

*(cf. 4112.22 Staff Teaching English Learners)*

Note: Pursuant to 5 CCR 11311, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of students enrolled in the school to establish a language acquisition program other than, or in addition to, programs available at the school. When the request is for a dual-language immersion program, requests from parents/guardians of enrolled students who are native speakers of English shall be considered along with requests from parents/guardians of English learners in determining whether the threshold has been met to require district response. See AR 6174 - Education for English Learners.

If a school does not currently offer a dual-language immersion program but the parents/guardians of 30 or more students at the school, or 20 or more students at the same grade level, request the establishment of such a program, the district shall determine whether it is possible to offer such a program in accordance with 5 CCR 11311.

(3/09 3/17) 7/19

# CSBA Sample Administrative Regulation

**Instruction**

AR 6145.2(a)

## **ATHLETIC COMPETITION**

### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

Note: The following section reflects pertinent provisions of state and federal law regarding nondiscrimination (Education Code 200-262.4; 5 CCR 4900-4965; Title IX, 20 USC 1681-1688). The Office for Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

Note: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, districts should consult legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Note: Pursuant to Education Code 221.5, a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with **his/her the student's** gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. The California Interscholastic Federation's (CIF) bylaws and Guidelines for Gender Identity Participation contain procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Also see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with **his/her the student's** gender identity, **irrespective of the gender listed on the student's records, and for which he/she the student** is otherwise eligible to participate; **irrespective of the gender listed on the student's records**. (Education Code 221.5)

*(cf. 5125 - Student Records)*

**ATHLETIC COMPETITION** (continued)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

Note: 5 CCR 4922 and 34 CFR 106.41, as reflected in items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. CIF's A Guide to Equity in Athletics suggests actions that districts can take for each of the factors to help the district meet its equivalence goals. Any district with questions about equivalent athletic opportunities for its students should consult legal counsel.

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by OCR for helping to determine equivalent opportunities under Title IX.

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

Note: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #1a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

Note: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport (item #1c below), OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a

**ATHLETIC COMPETITION (continued)**

viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. A student survey is one indicator that may be used. A letter issued by OCR in April 2010 provides information that the district might consider in developing its own survey. In addition, CIF's A Guide to Equity in Athletics provides sample surveys.

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances
5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms, practice facilities, and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

**ATHLETIC COMPETITION** (continued)

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

*(cf. 1113 - District and School Web Sites)*

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

*(cf. 3580 - District Records)*

**Concussions and Head Injuries**

Note: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention (CDC), available on CIF's web site, or other resources to develop the information sheet.

The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

*(cf. 5145.6 - Parental Notifications)*

Note: Education Code 49032 requires that each high school coach complete an education program that includes, but is not limited to, a basic understanding of the signs and symptoms of concussions and appropriate response to them. CIF makes free online courses available through its CIF's web site. Also see AR 4127/4227/4327 - Temporary Athletic Team Coaches.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032)

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

**ATHLETIC COMPETITION** (continued)

Note: Education Code 49475 requires that a student at any grade level engaged in an athletic program apart from the regular school day or physical education course who is suspected of sustaining a concussion be immediately removed from the athletic activity and not be allowed to return until a health care provider provides written clearance. CDC's web site includes an Acute Concussion Evaluation form which may be used to provide injured students and their parents/guardians with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports. See CIF's web site for additional information regarding concussions.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, **he/she the student** shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until **he/she the student** is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the **athlete student** sustained a concussion or a head injury, the **athlete student** shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

Note: The following paragraph is for use by districts that offer a football program and may be revised to reflect the grade levels offered by the district.

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, *full-contact practice* means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

**Heat Illness**

Note: Pursuant to Education Code 35179.1, **as amended by AB 2800 (Ch. 21, Statutes of 2018), effective January 1, 2019**, the district or CIF-developed coaching education program required by Education Code 49032 must include training on the signs and symptoms of, and the appropriate response to, heat illness. The National Federation of State High Schools offers a free online course, available on CIF's web site, that fulfills these requirements.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

Note: The following **optional** paragraph reflects recommendations in CSBA's and CIF's joint publication Preventing Catastrophic Heat Illness, and may be expanded to include additional district strategies.



**ATHLETIC COMPETITION (continued)**

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

**Sudden Cardiac Arrest**

Note: Education Code 33479.3 requires that student athletes and their parents/guardians receive information on the nature and warning signs of sudden cardiac arrest, as provided below. This information is available from CIF or, if the athletic activity is not governed by CIF, on the California Department of Education's (CDE) web site. In addition, Education Code 33479.2 encourages districts to post on their web sites the information provided on CDE's web site pertaining to sudden cardiac arrest.

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and **his/her** parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

Note: Education Code 33479.6 requires the coach of an athletic activity to complete, every two years, a training course related to the nature and warning signs of sudden cardiac arrest. See AR 4127/4227/4327 - Temporary Athletic Team Coaches. **CIF makes f**ree online courses **are** available through **its CIF's** web site.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

Note: Education Code 33479.5 and CIF bylaws provide for a student's removal from participation in an athletic activity if **he/she the student** passes out or faints. As defined by Education Code 33479.1, an "athletic activity" includes (1) interscholastic athletics; (2) an athletic contest or competition sponsored by a school, including cheerleading and club-sponsored sports activities; (3) noncompetitive cheerleading sponsored by a school; and (4) practices, interscholastic practices, and scrimmages for all these activities. Pursuant to Education Code 33479.5, this requirement does not apply when a student engages in an athletic activity during the regular school day or as part of a physical education course, unless the activity constitutes a practice, interscholastic practice, or scrimmage. Furthermore, Education Code 33479.5 authorizes, but does not require, the removal of a student from an athletic activity if **he/she the student** exhibits symptoms of sudden cardiac arrest other than passing out or fainting, as provided below. However, to promote student safety, the district may choose to require its staff to remove **a student** from an athletic activity **if he/she a student who** exhibits any symptom of sudden cardiac arrest at any time.

**ATHLETIC COMPETITION** (continued)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following **his/her** participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, **he/she the student** may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until **he/she the student** is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

**Automated External Defibrillators**

Note: Pursuant to Education Code 35179.6, **as added by AB 2009 (Ch. 646, Statutes of 2018), effective July 1, 2019**, a district that offers an interscholastic athletic program is required to make an automated external defibrillator (AED) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events. Education Code 35179.6 encourages districts to make AEDs available for emergency care or treatment within three to five minutes of sudden cardiac arrest to any person in attendance at an on-campus athletic activity or event. **See BP/AR 5141 - Health Care and Emergencies for requirements related to employee notifications and the proper use and maintenance of AEDs.**

Education Code 35179.6 clarifies that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided that the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

*(cf. 5141 - Health Care and Emergencies)*

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

## ATHLETIC COMPETITION (continued)

### Additional Parental Notifications

Note: The following **optional** section lists notices that the district may send to **parents/guardians of** students participating in interscholastic athletics **and their parents/guardians**. This section should be revised to reflect district practice.

Before a student participates in **practice or competition as part of** interscholastic athletic activities, the Superintendent or designee shall, in addition to providing **his/her the students and their** parents/guardians with ~~information on the signs and symptoms of concussions and sudden cardiac arrest as~~ **the notices** described above, send a notice to the **student's students and their** parents/guardians which:

Note: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with CDE.

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

*(cf. 1312.3 - Uniform Complaint Procedures)*

Note: Education Code 221.61 requires districts to post specified information on their web sites related to Title IX. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. See AR 5145.3 - Nondiscrimination/Harassment. **Optional** item #2 below provides that this information will also be provided in writing to the parents/guardians of student athletes.

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance **his/her in** skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when **he/she the coach** intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

**ATHLETIC COMPETITION (continued)**

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

*(cf. 3530 - Risk Management/Insurance)*

Note: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5

*(cf. 5143 - Insurance)*

5. Requests parental permission for the student to participate in the program and, if appropriate, **to** be transported by the district to and from competitions

*(cf. 3541.1 - Transportation for School-Related Trips)*

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion **if he/she for** engaging**ing**, or attempt**ing** to engage, in hazing.

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

7. Includes a copy of the local CIF league rules

Note: Pursuant to Education Code 49033 and CIF bylaws, any student participating in athletics and **his/her the student's** parent/guardian must sign **a the** statement **described below**, that the student will not use **androgenic/anabolic steroids, unless he/she has a written prescription from a licensed health care practitioner, or dietary supplements banned by the U.S. Anti Doping Agency as well as the substance synephrine. See Also see** BP/AR 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and **his/her the student's** parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, **or and will not use** prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

*(cf. 5131.63 - Steroids)*

**ATHLETIC COMPETITION (continued)**

**Note:** Pursuant to Education Code 49476, as added by SB 1109 (Ch. 693, Statutes of 2018), the district must annually provide to student athletes and their parents/guardians CDC's opioid fact sheet for patients. The CDC's fact sheet, Prescription Opioids: What You Need To Know, is available on its web site.

- 9. Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476. The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.**

DRAFT

# CSBA Sample Board Policy

Instruction

BP 6145.6(a)

## INTERNATIONAL EXCHANGE

**Note: The following optional policy is for use by districts that maintain secondary schools and accept enrollment of international students through approved programs sponsored by an International Student Exchange Placement Organization (ISEPO).**

**The policy does not apply to students who may otherwise meet district residency requirements for school attendance or to students whose parents/guardians were California residents who departed against their will, as defined in Education Code 48204.4. See AR 5111.1 - District Residency.**

The Governing Board recognizes ~~that personal contact~~ **the value of interactions** between students of different countries and cultures ~~promotes~~ **in promoting** global awareness and international understanding **in an increasingly globalized and interconnected world.** ~~To that end, the~~ Board welcomes the enrollment of international exchange students **in district schools** and ~~further~~ encourages district students to take **any advantage of** opportunities that they may have to participate in such programs and study in another country.

With Board approval, a district school may establish a sister-school relationship with a school in another country.

### **District Students Studying in Another Country**

~~District staff shall~~ **School counselors may provide information regarding international exchange programs and academic relevant counseling to district students who wish to study in a foreign country. Such counseling shall include a review of the student's completed coursework, academic achievement, and personal goals, and shall advise the student regarding requirements that the student must meet during attendance in the foreign school in order to maintain progress toward meeting district graduation requirements.**

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6164.2 - Guidance/Counseling Services)*

~~District~~ **Credit for courses successfully completed in the foreign country shall be granted in accordance with Board policy and administrative regulation.**

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

### **International Student Exchange Programs - Students in District Schools**

Note: Government Code 12623 requires that any organization that arranges for the placement of international exchange students in California schools first be registered with the Attorney General's Office.

**INTERNATIONAL EXCHANGE (continued)**

**Pursuant to Education Code 35185, a district is authorized to request proof of the registration as a condition to enrolling a student.**

**For the protection of students and to reduce district liability, CSBA strongly recommends that districts** ~~Districts may~~ check to see if a student placement organization is registered in California by reviewing the Registry List maintained by the Attorney General's Registry of International Student Exchange Visitor Placement Organizations. ~~The U.S. Department of State also maintains a listing of organizations designated to administer a high school visitor exchange program. See CSBA's Legal Guidance Regarding International Student Exchange Placement Organizations for additional recommendations and best practices.~~

In addition, the Council for Standards for International Educational Travel (CSIET), a non-profit organization whose purpose is to identify reputable international exchange programs, annually develops an Advisory List ~~as a resource from which prospective districts can gain an understanding of the scope, background, and operations of programs that have been reviewed. The Advisory List includes descriptions of exchange organizations which, upon evaluation, were found to be in compliance with the identifying exchange organizations that fully, provisionally, or conditionally meet CSIET standards and were accepted for listing into one of three categories (Full Listing, Provisional Listing, or Conditional Listing). The CSIET standards evaluate a program's related to financial responsibility, as well as the student selection, student orientation, and the placement process.~~

**It is the responsibility of the ISEPO to confirm the eligibility of international students for the exchange program. To be eligible, secondary students must (1) have a J-1 or F-1 visa; (2) not have previously attended school in the United States through an exchange program or on a J-1 or F-1 visa; and (3) either have not completed more than 11 years of primary and secondary study in their home country, excluding kindergarten, or be at least 15 years of age but not more than 18 years and six months of age as of the program start date.**

The following **optional** paragraph is for use by districts that wish to only accept students participating in programs designated by the Attorney General's Office, ~~U.S. Department of State and CSIET.~~

~~To enroll~~ **Before enrolling an international exchange student in a district school, the Superintendent or designee shall request proof that the an international exchange student must be is participating in an exchange International Student Exchange Placement Organization (ISEPO) program registered with the California Attorney General's Office, designated by the U.S. Department of State and accepted for listing on the Council for Standards for International Educational Travel's Advisory List.**

**The Superintendent or designee shall obtain from the ISEPO a description of the services to be performed by the ISEPO for the student, host family, and the district; telephone numbers that the student, host family, or district may contact for assistance; and a summary of the student's complete prior academic coursework completed. (Government Code 12628; 22 CFR 62.25)**

**The district may require additional documents which may include, but are not limited to, evidence that the student has health and accident insurance from the time of departure from home to the time the student returns to the home country. (11 CCR 360; 22 CFR 62.25)**

**INTERNATIONAL EXCHANGE** (continued)

Note: The following **optional** paragraph may be used by districts that wish to limit the total number of international exchange students admitted into the district.

When necessary because of overcrowding within district schools or limited district resources, the Superintendent or designee may limit the number of international exchange students to be accepted at any district high school during any school year.

The district shall not incur any financial obligations when ~~sending and/or receiving~~ **educating** international exchange students. ~~Program sponsors shall provide assurance of their responsibility for health/accident/liability insurance, the student's home placement, and the resolution of any related personal difficulties which may arise. An international student, or the ISEPO on behalf of the student, shall reimburse the district for the full, unsubsidized per capita cost of providing education at a district school for the period of the visiting student's attendance.~~

*(cf. 3260 - Fees and Charges)*

**Note:** The following optional paragraph may be modified to reflect district practice. Federal and state law do not specify a formula for calculating the full, unsubsidized per capita cost of providing education to an international student for the purpose of determining the tuition that will be charged. Education Code 48052 identifies factors that must be considered in determining the total cost of educating a student who resides in a foreign country adjacent to California, which, for consistency, may also serve as a basis for calculating tuition for international students.

**Alternatively, as described in CSBA's Legal Guidance Regarding International Student Exchange Placement Organizations, the district could use the per student amount of the high school base grant provided to districts under the local control funding formula, which could be augmented by the amount received by the district for separately funded categorical programs and any federal funding received by the district, or could consider its prior year per student expenditures.**

**It is recommended that districts consult with legal counsel in determining such a formula.**

**In determining the tuition for international exchange students, the district shall calculate the total cost of educating the student, including, but not limited to, the amount expended per student for the current provision of instruction and services, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school.**

The Superintendent or designee shall establish district criteria for issuing regular or honorary diplomas to international exchange students. The principal or designee shall refer to these criteria when assisting international exchange students in selecting classes and cocurricular activities based on the student's individual qualifications, needs, and interests.

*(cf. 5127 - Graduation Ceremonies and Activities)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.3 - Reciprocity of Academic Credit)*



**INTERNATIONAL EXCHANGE (continued)**

District staff shall provide relevant counseling to district students who wish to study in a foreign country. District credit for courses successfully completed in the foreign country shall be granted in accordance with Board policy and administrative regulation.

*(cf. 6146.11 Alternative Credits Toward Graduation)*

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

**35185 Miscellaneous administrative authority**

**48052 Nonresidents**

**48204.4 Evidence of residency for school enrollment**

51225.5 Honorary diplomas; foreign exchange students

GOVERNMENT CODE

12620-12630 International Student Exchange Visitor Placement Organizations

**87100 General prohibition, conflict of interest**

CALIFORNIA CODE OF REGULATIONS, TITLE 11

**350-384 California Uniform Supervision of International Student Exchange Visitor Placement Organizations**

CODE OF FEDERAL REGULATIONS, TITLE 8

**214.2 Students in academic high schools**

CODE OF FEDERAL REGULATIONS, TITLE 22

62.25 Secondary school students, exchange visitor program

*Management Resources:*

**CSBA PUBLICATIONS**

**Legal Guidance Regarding International Student Exchange Placement Organizations, 2014**

WEB SITES

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

California Interscholastic Federation: <http://wwwcifstate.org>

California Attorney General's Office: **California Office of the Attorney General, ISEPO:**

<http://www.caag.state.ca.us> **<https://oag.ca.gov/exchangestudents>**

California Interscholastic Federation: <http://wwwcifstate.org>

Council on Standards for International Educational Travel: <http://www.csiet.org>

U.S. Department of State, Bureau of Educational and Cultural Affairs: <http://exchanges.state.gov>

**U.S. Department of State, Exchange Visitor Program:** <http://j1visa.state.gov/programs/secondary-school-student>

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

(6/92 7/04) 7/19

# CSBA Sample Administrative Regulation

Instruction

AR 6145.6(a)

## INTERNATIONAL EXCHANGE

**Note: The following optional administrative regulation is for use by districts that maintain secondary schools and accept enrollment of international students through approved programs sponsored by International Student Exchange Placement Organizations.**

### Admission

**Prior to enrolling an international exchange student, the Superintendent or designee shall provide the International Student Exchange Placement Organization with written acceptance for the enrollment, including arrangements concerning the payment of tuition or the waiver of the tuition if applicable. (11 CCR 361; 22 CFR 62.25)**

*(cf. 5111.2 - Nonresident Foreign Students)*

Note: The following **optional** paragraph may be revised to set a date by which the request for enrollment must be received.

In order to approve the admission of an international exchange student, the Superintendent or designee must receive a written request for enrollment before the end of the preceding school year.

Enrollment shall be for ~~one year only~~ **one semester or one school year. (22 CFR 62.25)**

*(cf. 5111.2 - Nonresident Foreign Students)*

All international exchange students shall meet state and district immunization requirements.

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.31 - Immunizations)*

### Athletics

Note: State bylaws of the California Interscholastic Federation (CIF) list eligibility requirements for participation by international exchange students in interscholastic athletics. These requirements include, but are not limited to, requiring that the student has been placed with a host family by an exchange program accepted for listing by the Council for Standards for International Educational Travel and **has been** approved by the CIF, California Attorney General's Office, and U.S. Department of State. Individual CIF section bylaws may have additional requirements.

International exchange students shall be eligible for participation in interscholastic sports in accordance with state bylaws of the California Interscholastic Federation as well as applicable section bylaws.

## INTERNATIONAL EXCHANGE (continued)

*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*

### Diplomas

International exchange students may be considered for a diploma if they have satisfactorily completed the district's graduation requirements.

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*  
*(cf. 6146.3 - Reciprocity of Academic Credit)*

Note: Pursuant to Education Code 51225.5, the **Governing** Board may grant an honorary diploma to international exchange students who have completed the course of study required for graduation and are returning to their home countries following completion of one school year. Honorary diplomas must be distinguishable from the district's regular diploma. **See BP 6146.1 - High School Graduation Requirements.**

The following **optional** paragraph provides standards for the granting of the honorary diploma and should be revised to reflect district practice.

International exchange students who are not eligible for a regular diploma may receive an honorary diploma, provided they have completed at least one semester of full-time enrollment and achieved at least a 2.0 grade point average.

*(cf. 5127 - Graduation Ceremonies and Activities)*

**At the discretion of the principal or designee, if** International exchange students who do not meet requirements for a regular or an honorary diploma may, at the end of their visit, be given a **certificate or** letter certifying the time period for which they were enrolled **as well as a transcript documenting their completed coursework.**

(6/92 7/04) 7/19

# CSBA Sample Board Policy

Instruction

BP 6174(a)

## EDUCATION FOR ENGLISH LEARNERS

Note: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

In addition, 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See [the CDE's](#) web site for FPM compliance monitoring instruments.

For further information regarding English learners, programs, and services, see CDE's publication [The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners](#), available on its web site.

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

Note: Pursuant to Education Code 60811, in November 2012 the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. In July 2014, the SBE adopted the [English Language Arts/English Language Development Framework](#) aligned to those standards. A supplementary resource, [Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning](#), specifies the correspondence between the state ELD standards and the California Common Core State Standards for mathematics and the Next Generation Science Standards.

CDE's Roadmap encourages differentiated instruction and curriculum which are integrated across all subject areas and emphasize inquiry-based learning and critical thinking skills.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, ~~integrated across all subject areas, and aligned with the state content standards.~~ The district's program **Such instruction** shall be based on sound instructional theory, **be aligned with state content standards**, ~~use standards-aligned instructional materials~~, emphasize inquiry-based learning and critical thinking skills, and **be integrated across all subject areas** ~~provide students with access to the full educational program.~~

**EDUCATION FOR ENGLISH LEARNERS (continued)***(cf. 6011 - Academic Standards)**(cf. 6141 - Curriculum Development and Evaluation)**(cf. 6161.1 - Selection and Evaluation of Instructional Materials)**(cf. 6161.11 - Supplementary Instructional Materials)**(cf. 6171 - Title I Programs)*

**Note:** The following items are for use by districts that maintain middle and/or high schools and may be revised to reflect the grade levels offered by the district. Education Code 60811.8, as added by AB 2735 (Ch. 304, Statutes of 2018), prohibits districts from denying any student who is an English learner the opportunity to enroll in core curriculum courses, courses required for middle school promotion or high school graduation, courses required for college admission, or advanced courses, with specified exceptions for recently arrived immigrant students. Pursuant to Education Code 60811.8, this law does not require districts to create supplemental courses in languages other than English.

**No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)**

- 1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion**

**However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.**

- 2. A full course load of courses specified in item #1 above**
- 3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner**

*(cf. 0415 - Equity)**(cf. 6141.4 - International Baccalaureate Program)**(cf. 6141.5 - Advanced Placement)*

**Note:** Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. The CDE's Roadmap provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.

**EDUCATION FOR ENGLISH LEARNERS** (continued)

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

Note: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent/guardian and community engagement process during the development of the LCAP; see section on "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. ~~To support students' English language development,~~ ~~†The Superintendent or designee may also provide an English development adult literacy training program that leads to English fluency for parents/guardians and community members so that they may better support students' English language development.~~

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Note: Pursuant to Education Code 60811, in November 2012 the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. In July 2014, the SBE adopted the English Language Arts/English Language Development Framework aligned to those standards. A supplementary resource, Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, specifies the correspondence between the state ELD standards and the California Common Core State Standards for mathematics and the Next Generation Science Standards.

CDE's Roadmap encourages differentiated instruction and curriculum which are integrated across all subject areas and emphasize inquiry-based learning and critical thinking skills.

~~English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The district's program shall be based on sound instructional theory, use standards aligned instructional materials, emphasize inquiry based learning and critical thinking skills, and provide students with access to the full educational program.~~

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

## EDUCATION FOR ENGLISH LEARNERS (continued)

~~(cf. 6161.1 – Selection and Evaluation of Instructional Materials)~~

~~(cf. 6161.11 – Supplementary Instructional Materials)~~

~~(cf. 6171 – Title I Programs)~~

### Staff Qualifications and Training

Note: Commission on Teacher Credentialing (CTC) leaflet CL-622, Serving English Learners, describes requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from ~~the~~ CTC; see AR 4112.22 - Staff Teaching English Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

~~(cf. 4112.22 - Staff Teaching English Learners)~~

Note: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners, and is recommended for use by all districts. 20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

~~(cf. 4131 - Staff Development)~~

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

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

Note: The following paragraph is **optional**. ~~The~~ CDE's Roadmap indicates the importance of a supportive and collaborative environment in order for teachers to effectively address the complex needs of English learners.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

~~To support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.~~

## EDUCATION FOR ENGLISH LEARNERS (continued)

### Identification and Assessment

Note: **The** CDE's Roadmap emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development. Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using **a the** state **assessment designated by the SBE. The state English Language Proficiency Assessments for California (ELPAC) are aligned with the 2012 state standards for ELD. They include The ELPAC includes** an initial test for identifying students who may be English learners and an annual summative assessment for determining English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading, and writing in English. CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration, **and** identification **of English learners**, and reclassification criteria.

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency **and needs in the areas of listening, speaking, reading, and writing in English using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.**

Once identified as an English learner, a student shall be annually assessed for language proficiency until **he/she the student** is reclassified based on criteria specified in the accompanying administrative regulation.

Note: In addition to testing the level of English proficiency of English learners, districts are required pursuant to Education Code 60640 to administer the California Assessment of Student Performance and Progress (**CAASPP**) to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with the testing resources (i.e., universal tools, designated supports, and accommodations) specified in 5 CCR 854.1-854.3, **as renumbered by Register 2018, No. 4**, during test administration.

**Education Code 60640 also authorizes districts to administer a primary language assessment to English learners in grades 2-11 for the purpose of assessing students' competency in reading, writing, and listening in their primary language. The Standards Based Test in Spanish may be used for this purpose until a test is available that is aligned with the most recent state ELD standards. The new California Spanish Assessment is expected to be operational in the 2018-19 school year. CAASPP also includes the optional California Spanish Assessment for students in grades 3-8 and high school, which measures a student's competency in reading, writing, and listening in Spanish.**

**In addition,** English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)



## EDUCATION FOR ENGLISH LEARNERS (continued)

*(cf. 6162.51 - State Academic Achievement Tests)*

Note: The following paragraph is **optional**. **The** CDE's Roadmap highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

*(cf. 6162.5 - Student Assessment)*

### Language Acquisition Programs

Note: Education Code 305-310 authorize parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. The following section may be revised to reflect programs offered by the district. Also see the accompanying administrative regulation.

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

Note: The following **optional** paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

Note: Items #1-2 below are **optional** and may be revised to reflect district practice.

**EDUCATION FOR ENGLISH LEARNERS** (continued)

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. ~~The district may offer a~~ **A** dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(cf. 6142.2 - World/~~Foreign~~ Language Instruction)

2. ~~The district may offer a~~ **A** transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

Note: The following paragraph is for use by districts that maintain any of grades K-3.
--

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. ~~He/she~~ **The Superintendent or designee** shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to 5 CCR 11311, <del>as added by Register 2018, No. 20,</del> districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. See the section "Language Acquisition Programs" in the accompanying administrative regulation.
--

## EDUCATION FOR ENGLISH LEARNERS (continued)

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

### Reclassification

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

### Program Evaluation

Note: The following section may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners. Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Pursuant to Education Code 313.2, the CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

20 USC 6311 requires the inclusion of a performance indicator on English language proficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas

**EDUCATION FOR ENGLISH LEARNERS** (continued)

5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

*Legal Reference: (see next page)*

**EDUCATION FOR ENGLISH LEARNERS** (continued)*Legal Reference:*EDUCATION CODE300-340 *English language education, especially:*305-310 *Language acquisition programs*313-313.5 *Assessment of English proficiency*430-446 *English Learner and Immigrant Pupil Federal Conformity Act*33050 *State Board of Education waiver authority*42238.02-42238.03 *Local control funding formula*44253.1-44253.11 *Qualifications for teaching English learners*48980 *Parental notifications*48985 *Notices to parents in language other than English*52052 *Accountability; numerically significant student subgroups*52060-52077 *Local control and accountability plan*52160-52178 *Bilingual Bicultural Act*56305 *CDE manual on English learners with disabilities*60603 *Definition, recently arrived English learner*60640 *California Assessment of Student Performance and Progress***60811-60812 *Assessment of English language development***62002.5 *Continuation of advisory committee after program sunsets*CODE OF REGULATIONS, TITLE 5854.1-854.3 *CAASPP and universal tools, designated supports, and accommodations*854.9 *CASSPP and unlisted resources for students with disabilities*11300-11316 *English learner education*~~11510-11517.5 *California English Language Development Test*~~11517.6-11519.5 *English Language Proficiency Assessments for California*UNITED STATES CODE, TITLE 201412 *Individuals with Disabilities Education Act; state eligibility*1701-1705 *Equal Educational Opportunities Act*6311 *Title I state plan*6312 *Title I local education agency plans*6801-7014 *Title III, language instruction for English learners and immigrant students*7801 *Definitions*CODE OF FEDERAL REGULATIONS, TITLE 34100.3 *Discrimination prohibited*200.16 *Assessment of English learners*COURT DECISIONS*Valeria O. v. Davis*, (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. 698ATTORNEY GENERAL OPINIONS83 *Ops.Cal.Atty.Gen.* 40 (2000)*Management Resources:*CSBA PUBLICATIONS*English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success*, Governance Brief, February 2018*English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58*, Governance Brief, March 2017*Management Resources continued: (see next page)*

**EDUCATION FOR ENGLISH LEARNERS (continued)***Management Resources: (continued)*CSBA PUBLICATIONS (continued)

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016

English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**California Practitioners' Guide for Educating English Learners with Disabilities, 2019**

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018

Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017

Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

Common Core State Standards for Mathematics, rev. 2013

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

THE EDUCATION TRUST- WEST PUBLICATIONS

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018

Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

WEB SITES

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

California Association for Bilingual Education: <http://www.gocabe.org>

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

National Clearinghouse for English Language Acquisition: <http://www.ncela.us>

The Education Trust-West: <https://west.edtrust.org>

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

(3/17 7/18) 7/19

# CSBA Sample Administrative Regulation

**Instruction**

AR 6174(a)

## **EDUCATION FOR ENGLISH LEARNERS**

### **Definitions**

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

*Designated English language development* means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

*Integrated English language development* means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

*Native speaker of English* means a student who has learned and used English **in his/her at** home from early childhood and English has been **his/her the** primary means of concept formation and communication. (Education Code 306)

### **Identification and Assessments**

Note: Education Code 52164.1 and 5 CCR 11307 require the district to administer a home language survey to all enrolled students. A sample home language survey form in English and Spanish is available on the California Department of Education's (CDE) web site.

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

Note: When the home language survey indicates that a student's proficiency in English should be tested, Education Code 313 requires the district to administer a state assessment of English language proficiency. The English Language Proficiency Assessments for California (ELPAC) are used for initial identification of language proficiency and subsequently for annual assessment of language proficiency.

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR ~~11511~~ **11518.5**)

Each year after a student is identified as an English learner and until ~~he/she~~ **the student** is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

Note: ~~5 CCR 11518.30-11518.35, as renumbered by Register 2017, No. 23, specify allowable variations and accommodations in the administration of the state English language proficiency assessment.~~

~~The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.~~

Note: **5 CCR 11518.35 specifies "universal tools" that may be used with all students in ELPAC administration, and "designated supports" and "accommodations" that may be used with students with disabilities when specified in their individualized education program or Section 504 plan.**

The Individuals with Disabilities in Education Act (20 USC 1412) requires that students with disabilities be included in all state assessments, including the ELPAC as appropriate. ~~English learners with disabilities must be allowed to take the test with accommodations as specified in their individualized education program or Section 504 plan.~~ Pursuant to 5 CCR 11518.30, students with the most significant cognitive disabilities who cannot participate in the assessment, even with appropriate accommodations, must be given an alternate assessment of English proficiency. 34 CFR 200.16 provides that, if an English learner with a disability is unable to take the assessment with accommodations, the state accountability system must include the student's score on any part(s) of the test for which it is possible to assess the student (i.e., speaking, reading, listening, writing).

**Pursuant to Education Code 56305, as amended by AB 99 (Ch. 15, Statutes of 2017), requires CDE to develop, by January 1, 2019, has developed a manual, California Practitioners' Guide for Educating English Learners with Disabilities, providing which provides** guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

~~The ELPAC shall be administered~~ **Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted** in accordance with test publisher instructions and **5 CCR 11518.5-11518.2035.**



**EDUCATION FOR ENGLISH LEARNERS** (continued)

~~Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)~~

*(cf. 6159 - Individualized Education Program)*

*(cf. 6162.51 - State Academic Achievement Tests)*

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

Note: The remainder of this section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. CDE has developed sample notification letters, available on its web site in multiple translations, to notify parents/guardians of the initial identification of a student as an English learner or as initially fluent English proficient and to notify them of the results of an annual assessment.

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 their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor **or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year.** (Education Code 52164.1; 5 CCR ~~11511.5~~ **11518.15**)

*(cf. 5145.6 - Parental Notifications)*

Note: The following paragraph is for use by districts that receive federal funds under either Title I or Title III for services to English learners, and may be adapted for use by other districts. Pursuant to Education Code 440 and 20 USC 6312, districts receiving Title I or Title III funds are required to provide parents/guardians with notification of their child's identification as an English learner and placement in a language acquisition program.

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of ~~his/her child's~~ **the student's** English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program

**EDUCATION FOR ENGLISH LEARNERS** (continued)

2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
  - e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

Note: Education Code 313.2, as amended by AB 81 (Ch. 609, Statutes of 2017), requires that the notice contain information in regard to (1) whether the student is a long-term English learner, or English learner at risk of becoming a long-term English learner, and (2) the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help them develop English proficiency and achieve academic standards. Districts may send an alternate notice if the definitions of long-term English learners and those at risk of becoming long-term English learners used by the district are broader than those defined in Education Code 313.1, the notice states that the definitions utilized by the district are broader, and the notice contains the information specified in item #4 below.

4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available

**EDUCATION FOR ENGLISH LEARNERS (continued)**

7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

**Language Acquisition Programs**

Note: Pursuant to 5 CCR 11311, as added by Register 2018, No. 20, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. Each school is required to follow the process even when the district provides the language acquisition program at another school site. The following section includes the components of the process required by 5 CCR 11311 and may be expanded to reflect district practice.

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent

**EDUCATION FOR ENGLISH LEARNERS** (continued)

professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

- c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
- d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

~~Note: Pursuant to 5 CCR 11310, as amended by Register 2018, No. 20, districts are required to notify parents/guardians regarding language acquisition programs at the beginning of each school year or upon a student's enrollment. The following section includes the notice requirements pursuant to 5 CCR 11310.~~

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language

**EDUCATION FOR ENGLISH LEARNERS** (continued)

6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

**Reclassification/Redesignation**

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

Note: Education Code 313 and 52164.6 and 5 CCR 11303 require that the district's reclassification process include, at a minimum, the criteria specified in items #1-4 below. Additional guidance is available on **the** CDE's web site. The district may expand the following list to reflect any additional criteria it has established.

The **measures procedures** used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

**Note: Pursuant to Education Code 313.3, as added by AB 1808 (Ch. 32, Statutes of 2018), CDE is required to develop, by June 30, 2020, a standardized teacher observation protocol for use in evaluating a student's English language proficiency, as required by item #2 below, as well as professional development tools to train teachers on the use of the protocol.**

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student

**EDUCATION FOR ENGLISH LEARNERS** (continued)

3. Parent/guardian ~~opinion and consultation~~ **involvement, including:**
- a. **Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate**
  - b. **Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process**

~~The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.~~

Note: Pursuant to Education Code 313, the fourth criterion requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter from CDE to district superintendents (Reclassification Guidance for 2017-18) dated April 28, 2017 clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion, or districts may select another local assessment. ~~The~~ CDE correspondence provides examples of appropriate measures and is available on ~~the~~ CDE's web site.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

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

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether ~~the student needs~~ any additional academic support **is needed**.

**Advisory Committee**

Note: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, a parent/guardian advisory committee is required for any district with over 50 English learners and for each school with over 20 English learners. Duties of the advisory committee are specified in 5 CCR 11308.

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

## **EDUCATION FOR ENGLISH LEARNERS (continued)**

The district's English language advisory committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a plan for education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

### **LCAP Advisory Committee**

<p>Note: The following section is applicable if the district's student enrollment includes at least 15 percent English learners, with at least 50 students who are English learners. Education Code 52063 requires that such districts establish an English learner parent advisory committee to review and comment on the district's local control and accountability plan; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners.</p>
---

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

*(cf. 0460 - Local Control and Accountability Plan)*

**EDUCATION FOR ENGLISH LEARNERS** (continued)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

DRAFT

(3/17 7/18) 7/19



# CSBA Sample Board Policy

**Instruction**

BP 6179(a)

## SUPPLEMENTAL INSTRUCTION

Note: The following policy is **mandated** pursuant to Education Code 48070.5 and should be revised to reflect the grade levels offered by the district.

Pursuant to Education Code 52060-52077, the Governing Board must annually adopt a local control and accountability plan which includes goals and actions aligned with **eight**-state priorities, including student achievement; see BP/AR 0460 - Local Control and Accountability Plan. The provision of high-quality supplemental instruction may be one strategy to improve student achievement outcomes for underperforming students.

**In addition, the provision of supplemental instruction may be a strategy to assist low-performing schools identified by the California Department of Education for comprehensive or targeted support and improvement pursuant to 20 USC 6311. Such schools are required to develop and implement a school plan to improve student outcomes.**

The Governing Board recognizes that high-quality supplemental instruction can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs. Supplemental instruction shall be offered in accordance with law and may be used to assist the district in meeting its goals for student achievement.

*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*  
*(cf. 6164.5 - Student Success Teams)*

Supplemental instruction may be offered during and outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. When supplemental instruction is offered during the regular school day, it shall not supplant the student's instruction in the core curriculum areas or physical education.

*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6111 - School Calendar)*  
*(cf. 6112 - School Day)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6176 - Weekend/Saturday Classes)*  
*(cf. 6177 - Summer Learning Programs)*

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

**SUPPLEMENTAL INSTRUCTION** (continued)

When determined to be necessary by the principal or designee **and when written parent/guardian consent is obtained for the student's participation**, a student may be required to participate in supplemental instruction outside the regular school day. **In such cases, written parent/guardian consent shall be obtained for the student's participation.**

Note: Pursuant to Education Code 37252.2, districts are required to provide supplemental instruction to students in grades 2-9, inclusive, who have been retained or recommended for retention, as provided below. Education Code 48070.5 **mandates** that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention. See BP/AR 5123 - Promotion/Acceleration/Retention for information regarding the criteria for identifying students for retention.

Supplemental instruction shall be offered to students **in grades 2-9 who have been retained or are** recommended for retention, **or are identified as being at risk for retention**, at their current grade level. (Education Code 37252.2, 48070.5)

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

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 6162.51 - State Academic Achievement Tests)*

Note: The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required Title I schools identified for program improvement in year 2 or beyond to provide eligible students with supplemental educational services from an approved service provider. In accordance with the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. See AR-0520.2 - Title I Program Improvement Schools for details regarding this requirement.

~~The district shall offer alternative supports designed to increase the academic achievement of socioeconomically disadvantaged students attending schools identified by the California Department of Education for program improvement for two or more consecutive years.~~

~~*(cf. 0520.2 - Title I Program Improvement Schools)*~~

~~*(cf. 0520.3 - Title I Program Improvement Districts)*~~

Note: Items #1-~~32~~ below are **optional** and may be revised to reflect district practice.

In addition, supplemental instruction may be offered to:

Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who have been identified as being "at risk" for retention based on state assessment results, grades, or other indicators. See BP-5123 - Promotion/Acceleration/Retention for further information about criteria for identifying students as at risk of retention. If districts choose to offer such instruction, Education Code 48070.5 **mandates** that they adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are at risk for retention.

**SUPPLEMENTAL INSTRUCTION** (continued)

~~1. Students who are identified as being at risk for retention based on state assessment results, grades, or other indicators~~

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

~~(cf. 6162.51 - State Academic Achievement Tests)~~

~~Note: Education Code 37252.8 authorizes, but does not require, districts to offer supplemental instruction to students in grades 2-6 who are identified as having a deficiency in mathematics, reading, or written expression based on state assessment results. At their discretion, districts may offer such instruction to students who demonstrate academic deficiencies at any grade level or in any subject matter.~~

**2.1.** Students who demonstrate academic deficiencies that may jeopardize their attainment of academic standards

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6142.93 - Science Instruction)*

*(cf. 6142.94 - History-Social Science Instruction)*

~~Note: The following **optional** item may be used by districts maintaining high schools to provide support to students who need assistance to meet graduation requirements.~~

**3.2.** High school students who need support to successfully complete courses required for graduation

*Legal Reference: (see next page)*

## SUPPLEMENTAL INSTRUCTION (continued)

### Legal Reference:

#### EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

~~37252-37254.1~~ Supplemental instruction, summer school

42238.01-~~42238.07~~ 42238.5 Local control funding formula

46100 Length of school day

48070-48070.5-6 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-51212 Courses of study, elementary schools

51220-51228 Courses of study, secondary schools

52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

#### CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

#### UNITED STATES CODE, TITLE 20

6311 State plan

### Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

#### 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>

# CSBA Sample Board Bylaw

Board Bylaws

BB 9321(a)

## CLOSED SESSION **PURPOSES AND AGENDAS**

Note: Pursuant to Government Code 54962, the Governing Board may hold a closed session only for purposes expressly authorized by the Brown Act (Government Code 54950-54963) or by a provision of the Education Code. Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act, as described throughout this bylaw and the accompanying Exhibit (1). Following the closed session, Government Code 54957.7 requires the Board to reconvene in open session to report any action taken in closed session, as described below and in the accompanying Exhibit (2).

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed sessions during a regular, special, or emergency meeting only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Note: Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and specified below. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Note: Government Code 54957.7 states requires that, before holding any closed session, the Board must disclose in an open meeting the item(s) to be discussed in the closed session. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. 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 the announcements. In addition, the Board is required to reconvene in open session upon conclusion of a closed session to report any action taken in the closed session.

In the open session preceding the closed session, 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. (Government Code 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting; and, when applicable, shall publicly disclose any action taken in the closed session, the votes or abstentions thereon, and other disclosures specified below that are applicable to the matter being addressed. in the manner prescribed by Government Code 54957.1. Such reports may be made in writing or orally at the location announced in the agenda for the closed session. (Education Code 32281; Government Code 54957.1, 54957.7)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

*(cf. 9321.1 - Closed Session Actions and Reports)*

Note: Pursuant to Government Code 54957.1, a document approved or adopted in a closed session must be provided to any person who has submitted a written request within 24 hours of the posting of the agenda or who has made a standing request for all documentation as part of a request for meeting notices pursuant to Government Code 54954.1 or 54956.

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary retyping is completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

**Confidentiality**

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)

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

Note: Pursuant to Government Code 54963, a Board member who discloses confidential information received in a closed session may be referred to the local grand jury or may be subject to action in a court of law. For a definition of confidential information and the actions that may be taken against a Board member if such information is disclosed, see BB 9011 - Disclosure of Confidential/Privileged Information.

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)

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

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)

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

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)**Personnel Matters**

Note: Government Code 54957 authorizes the use of closed sessions for personnel matters described below. For the purpose of these closed sessions, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes Board members. The Attorney General has concluded (59 Ops.Cal.Atty.Gen. 532 (1976)) that it is appropriate to use a closed session to discuss and evaluate Superintendent performance. (59 Ops.Cal.Atty.Gen. 532 (1976)) However, under the "personnel exception," the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline ~~in closed session~~ under this exception.

In Fischer v. Los Angeles Unified School District, the court interpreted Government Code 54957 and found that the right to request an open session applies only when the Board hears specific complaints or charges brought against the employee. Thus, the right to request an open session does not apply when the Board is meeting in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, **performance** 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)

*(cf. 2140 - Evaluation of the Superintendent)*  
*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4215 - Evaluation/Supervision)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4315 - Evaluation/Supervision)*

Note: Pursuant to Government Code 54957, failure of the Board to give an employee against whom a "specific complaint or charge" has been made the notice described below will render any action taken by the Board in the closed session null and void. Determining whether a "specific complaint or charge" is involved is usually fact-specific and the Board should consult legal counsel as necessary. In Furtado v. Sierra Community College District, the court held that the term "specific complaints or charges" as used in Government Code 54957 does not include negative comments in an employee's performance evaluation. In another decision, Bell v. Vista Unified School District, the court determined that a presentation to the Board by a district staff member regarding an employee's violation of a California Interscholastic Federation rule constituted a "complaint or charge" and thus the employee was entitled to 24-hour notice. Yet another ruling, Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, held that when a board rejects its hearing officer's findings of fact and conducts its own hearing, the employee must be given 24-hour notice.

Furthermore, an Attorney General opinion (78 Ops.Cal.Atty.Gen. 218 (1995)) has clarified that a probationary certificated employee does not have the right to an open session when the Board is discussing whether or not to reemploy ~~him/her~~ **the employee** for a third consecutive school year. Education Code 44929.21 allows the Board to non-reelect a probationary certificated employee at the end of the first or second school year as long as written notice is given in accordance with law; see AR 4117.6 - Decision Not to Rehire.

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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 **who is the subject of the complaint** 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 the** 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)

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

The Board may hold a closed session to discuss **a district an** 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)

**Note: In Moreno v. City of King, the court held that the requirement for special meeting agenda items to notice the "business to be transacted or discussed" pursuant to Government Code 54956 does not eliminate the "brief general description of each item" requirement pursuant to Government Code 54954.2. The court also held that describing the business as "public employee (employment contract)" was not sufficient when at least a quarter of the meeting was devoted to a discussion of the employee and whether to terminate the employee. The court further held that describing the item as "public employee dismissal," as illustrated in Government Code 54954.5, would not violate the employee's privacy rights and it would also provide adequate public notice that dismissal would be considered. The court noted that while Government Code 54954.5 does not provide the exclusive means of compliance with agenda specification requirements, it demonstrates how privacy rights can be protected while also providing adequate notice.**

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)

**Note: Government Code 54957.1 requires the Board to publicly report any closed session action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee. The Attorney General, in 89 Ops.Cal.Atty.Gen. 110 (2006), opined that boards are not required to publicly report an action taken in closed session to reject the proposed dismissal of an employee, as such a decision to maintain the status quo does not constitute "an action taken to dismiss."**

**After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a**



**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

**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)**

*(cf. 4117.7/4317.7 - Employment Status Reports)*

**Negotiations/Collective Bargaining**

Note: The Educational Employment Relations Act (Government Code 3540-3549.3) makes four specific exemptions from the Brown Act related to negotiations. Government Code 54957.6 provides that for the purpose of closed sessions related to collective bargaining, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes any elected official, Board member, or other independent contractor.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the **open meeting requirements of** 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

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

*(cf. 4143/4243 - Negotiations/Consultation)*

*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

Note: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The **California Office of the** Attorney General's publication The Brown Act: Open Meetings for Local Legislative Bodies, also states that the "labor exception" applies to **the Board** meeting in closed session to instruct its negotiator concerning negotiations with **current or** prospective employees.

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

The Board may meet in closed session, prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees, to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Prior to the closed session, the Board shall identify its designated representative in open session. 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. ~~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~~ **shall not be taken in closed session.** (Government Code 54957.6)

*(cf. 2121 - Superintendent's Contract)*

~~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)~~

~~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)~~

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.

Agenda items related to negotiations shall specify the name(s) 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)

**Approval of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 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)**

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)**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)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

**If a public hearing would lead to the disclosure of confidential student information,** tThe 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, **or a challenge to a student record.** 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 **the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session.** (Education Code 35146, 48912, 49070)

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5125.3 - Challenging Student Records)*

*(cf. 5144 - Discipline)*

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)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

Note: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following **optional** paragraph provides that student names shall not be included on the agenda.

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

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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.

**Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)**

*(cf. 5125 - Student Records)*

**Note: Although Education Code 48918 states that student expulsion records are "nonprivileged, disclosable public records" and the Attorney General (80 Ops.Cal.Atty.Gen. 85 (1997)) has opined that districts must disclose the student's name, the court in Rim of the World Unified School District v. San Bernardino County Superior Court held that the federal Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) preempts state law and prohibits the disclosure of student expulsion records to the public. Failure to comply with FERPA may lead to loss of federal funding. Because of the potential conflict between state and federal law, it is recommended that districts consult legal counsel prior to adopting the following paragraph.**

**However, in taking final action, the Board shall not release any information in violation of student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name.**

### Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, 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. **Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.** (Government Code **54956.5**, 54957)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3515 - Campus Security)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

***(cf. 9323.2 - Actions by the Board)***

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

Note: Government Code 54956.5 authorizes an emergency meeting in closed session to meet with the law enforcement officials specified above pursuant to Government Code 54957. Two thirds of the Board members present at the meeting must agree to the need for the closed session. Those emergency situations that necessitate a need for an emergency meeting are listed in BB 9320 Meetings and Notices and include a terrorist attack, crippling disaster, or other activity that impairs public health or safety. For a list of actions for which more than a majority vote of the Board is required, see BB 9323.2 Actions by the Board.

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 **these** 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)

**The Board may meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the district's plan for tactical responses. (Education Code 32281)**

**Conference with Real Property Negotiators**

Note: An Attorney General opinion (94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded that only three subjects related to real property negotiations may be considered in closed session: (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3) items that are essential to arriving at the authorized price and payment terms. **Public disclosure of such items would reveal information that Government Code 54956.8 permits to be kept confidential.** Although Attorney General opinions are not binding, they are accorded deference by the courts.

**In addition, the California Office of the Attorney General publication The Brown Act: Open Meetings for Legislative Bodies states that, since Government Code 54957.1 requires the Board to report, at the conclusion of a closed session, the approval of a final agreement concluding real property negotiations, the Board's power to grant authority to its negotiator must also include the power to finalize any agreement so negotiated.**

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)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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. ~~For purposes of real property transactions, negotiators may include members of the Board.~~ (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)

**When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval 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 to the negotiations, 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)**

**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)

<p>Note: Pursuant to Government Code 54956.9, the district is considered to be a "party," or to have "significant exposure," to a litigation if any of its officers or employees is a party or has significant exposure to the litigation under circumstances specified in items #1 and #2 below.</p>
---

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a) **(d)(1)**)
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) **(d)(2), (3)**)

*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 plaintiff(s) 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 plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.
  - c. The receipt of a claim pursuant to the ~~Fort~~ **Government** Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
- (cf. 3320 - Claims and Actions Against the District)
- 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 **of litigation** on ~~his/her~~ **the victim's** 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(e) **(d)(4)**)

**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) (d)(1), 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) (d)(2) or (3) 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(e) (d)(4) 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)

**Following the closed session, the Board shall publicly report, as applicable: (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 the action, defendants, and other 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.**



**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

**If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the district shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)**

**Joint Powers Agency Issues**

Note: The following ~~section applies to~~ **paragraphs are for use by** districts participating in a joint powers agency (JPA) for insurance pooling or in a self-insurance authority.

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)

*(cf. 3530 - Risk Management/Insurance)*

**Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including 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)**

Note: Pursuant to Government Code 54956.96, a JPA may adopt a provision, either through a policy or through the joint powers agreement, authorizing a school district Board member serving on the JPA board to disclose confidential information received during the JPA board's closed session under the circumstances specified below. Government Code 54954.5 provides an agenda description for the purpose of this closed session. The following **optional** paragraphs are for use by districts that participate in a JPA that has adopted such a provision.

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may **also** meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA **that has direct financial or liability implications for the district**. 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)

~~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 PURPOSES AND AGENDAS** (continued)

Closed session agenda items related to conferences involving a JPA shall specify **the name of the JPA**, 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 California State Auditor's Office**

Note: Government Code 54956.75 authorizes the Board to meet in closed session to discuss a **confidential** final draft audit report from the California State Auditor's Office. This authority relates to situations in which a member of the legislature has requested the California State Auditor's Office to audit a school district. This audit is separate from the annual audit that districts must conduct pursuant to Education Code 41020. The law does not authorize the Board to meet in closed session to discuss the district's annual audit.

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, 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 California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Note: Government Code 54956.75 does not specify reporting requirements for closed sessions related to the review of the audit report from the State Auditor. The following optional paragraph reflects the purpose of the closed session.

**Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.**

**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)

~~(cf. 6162.5 - Student Assessment)~~

**(cf. 6162.51 - State Academic Achievement Tests)**

Note: The following **optional** paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code.

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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.

**Note: Education Code 60617 does not specify reporting requirements for closed sessions related to the review of student assessment instruments. The following optional paragraph reflects the purpose of the closed session.**

**Following the closed session, the Board shall confirm that the assessment instruments were reviewed. 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.**

*Legal Reference:*EDUCATION CODE**32281 School safety plans**

35145 Public meetings

35146 Closed session ~~(re student suspension)~~ **for student suspension or disciplinary action**

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension **of student**

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

**49073-49079 Privacy of student records**60617 ~~Meetings of governing board~~ **Closed session (re review of contents of statewide assessment)**GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

CALIFORNIA CONSTITUTION**Article 1, Section 3 Public right to access information**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**Moreno v. City of King, (2005) 127 Cal.App.4th 17***Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860****Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393****Bell v. Vista Unified School District, ~~(2001)~~(2000) 82 Cal.App. 4th 672**Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87****Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d***

*Legal Reference continued: (see next page)*

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

Legal Reference: (continued)

**CODE OF FEDERAL REGULATIONS, TITLE 34** (continued)

*Furtado v. Sierra Community College District* (1998) 68 Cal.App. 4th 876

*Roberts v. City of Palmdale*, (1993) 5 Cal.App. 4th 363

*San Diego Union v. City Council*, (1983) 146 Cal.App.3d 947

*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors*, (1968) 263 Cal.App. 2d 41

*San Diego Union v. City Council*, (1983) 146 Cal.App.3d 947

**ATTORNEY GENERAL OPINIONS**

94 *Ops.Cal.Atty.Gen.* 82 (2011)

**89 *Ops.Cal.Atty.Gen.* 110 (2006)**

86 *Ops.Cal.Atty.Gen.* 210 (2003)

78 *Ops.Cal.Atty.Gen.* 218 (1995)

59 *Ops.Cal.Atty.Gen.* 532 (1976)

57 *Ops.Cal.Atty.Gen.* 209 (1974)

Management Resources:

**CSBA PUBLICATIONS**

*The Brown Act: School Boards and Open Meeting Laws*, 2009-rev. 2014

**CALIFORNIA OFFICE OF THE 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. July 2010

**WEB SITES**

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

California **Office of the Attorney General's Office**: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: X\_\_\_\_\_

From: Katherine Wright, Superintendent

Item Number: 12\_\_\_\_\_

Type of item: (Action, Consent Action or Information Only): Action\_\_\_\_\_

**SUBJECT:**

Request to approve and adopt the 2018-2019 Tentative Agreement with the River Delta Unified Teacher's Association

**BACKGROUND:**

The District and the River Delta Unified Teacher's Association have reached a tentative agreement on contract language, salary and benefits. This agreement will resolve all issues, which were opened for the 2018-19 school year. The District and the Association agree to the following: (See attached).

**STATUS:**

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

The total cost of bargained agreements with RDUTA 18-19 and "Me too" for CSEA, Administration and Non-represented employees will be approximately \$ 568,436

**RECOMMENDATION:**

Staff recommends that the Board approve the Agreement with the RDUTA which closes negotiations for 2018-19.

Time allocated: 3 minutes

To settle contract negotiations regarding Article VII for 2018-19, the District proposes the following:

Section A #2 shall read:

- Beginning in the 2020-2021 school year, the three (3) non-student contact days of the school year will be scheduled in the week prior to the beginning of student instruction, and will be allocated as follows:
  - i. One (1) day will be utilized for District in-service.
  - ii. One (1) day will be utilized for school-site preparation an in-service.
  - iii. One (1) day will be utilized for preparation work by bargaining unit members.

Each site administrator will consult with his or her staff each Spring, prior to the conclusion of the school year, regarding the topics to be covered and approaches to be utilized in the in-services scheduled for the following year's one day of site preparation and in-service (ii). No District or site meetings will be scheduled on the one day of preparation time for bargaining unit members (iii). However, bargaining unit members are required to be present on their assigned sites and engaged in preparation work, during this one day of preparation time (iii).

Section C shall read:

1. A maximum of eleven (11) minimum days per academic year for the purposes of scheduling, grading, diagnosing student needs, conferencing, in-service or testing will be scheduled.
  - a. Three (3) of the minimum days will be used for conferencing.
  - b. Eight of the minimum days will be set aside for the purpose of allowing members for scheduling, grading, diagnosing student needs.
2. On those days when teachers are required to return for an evening meeting, i.e., Open House, Back to School Night or similar events, teachers are permitted to leave school at the end of the student instructional day.

Section F (after the description of time banking) shall read:

Commencing on the Wednesday following the RDUTA ratification and RDUSD Board approval of the 2018-2019 Agreement between RDUTA and RDUSD, the extra hour of banked time each Wednesday will be utilized as follows:

All sites from which the teachers do not have state-mandated preparation time: Bates Elementary, D.H. White Elementary, Isleton Elementary and Walnut Grove Elementary, the teachers will have the first, second, third and fourth Wednesdays for preparation time. Any fifth Wednesday will be used for professional development.

Teachers at the aforementioned sites may choose to have a faculty meeting on one (1) of the Wednesdays in lieu of preparation time.

If the teachers at a site choose not to have a faculty meeting on one Wednesday, the staff and site Principal will collaboratively decide on a day to have the faculty meeting.

Deletion final paragraph in Section F.

For RDUTA:

[Signature]

Janet Allen

Janet Pangler

Bob Walker

Kendall Murphy

\_\_\_\_\_

For RDUSD:

Kathy Wright

Ramona D. Use

Debra Astor

Erin Stewart

To settle contract negotiations regarding Article VIII for 2018-19, the District proposes the following:

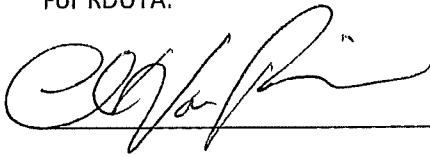
#6 shall read:

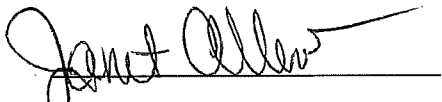
- Any combination teacher will be given two (2) days a quarter to work on campus and use for planning purposes. Those days will be mutually agreed upon by the teacher and principal.

#13 shall read:

- Teachers must submit variable timesheets once per month to the school site secretary and/or designee in a timely manner. All timesheets must be received at the District Office by the cutoff date listed on the back of the RDUSD Certificated Variable Timesheet form. The school secretary and/or designee will provide information to bargaining unit members of the protocol to complete/submit variable timesheets.

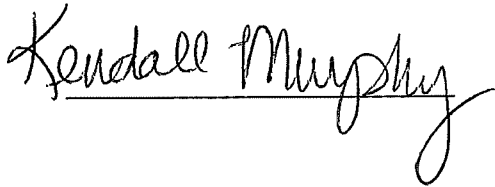
For RDUTA:

  
\_\_\_\_\_

  
\_\_\_\_\_

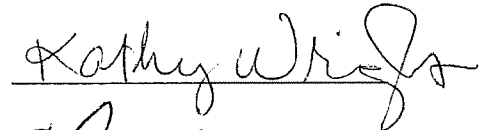
  
\_\_\_\_\_

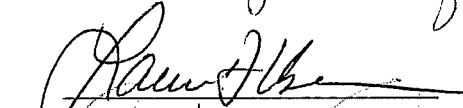
  
\_\_\_\_\_

  
\_\_\_\_\_

\_\_\_\_\_

For RDUSD:

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_



To settle contract negotiations regarding Appendix B for 2018-19, the District proposes the following:

Other Extra-Duty Assignments shall be amended to read:

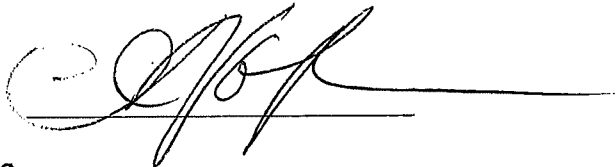
2. Vocational Agriculture Teacher(s)

- 17% of Teacher's Salary

3. Counselor(s)

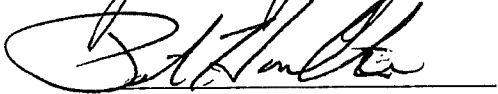
- 17% of Counselor's Salary

For RDUTA:

  
\_\_\_\_\_

Janet Allen  
\_\_\_\_\_

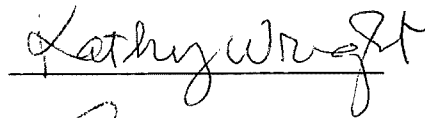
Janet Pangler  
\_\_\_\_\_

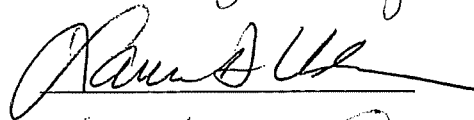
  
\_\_\_\_\_

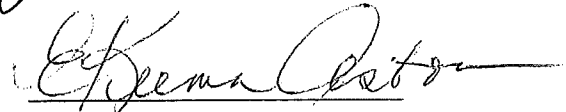
Kendall Murphy  
\_\_\_\_\_

\_\_\_\_\_

For RDUSD:

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Eileen Ostrom  
\_\_\_\_\_

## **RDUSD's Proposal for the 2018-2019 Agreement between RDUSD and RDUTA**

To settle contract negotiations regarding salary and benefits for 2018-19, the District proposes the following:

1. Bargaining unit members, who are active employees upon the date of RDUSD Board approval and who worked in the 2018-19 school year, will receive a .51% one-time off the salary schedule payment. The payment will be retroactive to July 1, 2018, based upon the employee's base salary. The payment will be prorated if the employee worked less than the entire 2018-19 school year. The payment will be processed through Sacramento County Office of Education in a timely manner.
2. Bargaining unit members, who are active employees upon the date of RDUSD Board approval and who worked in the 2018-19 school year, will receive a 3.2% adjustment to the salary schedule. The payment will be retroactive to July 1, 2018.
3. If either the CSEA or the Administrators or confidential employees negotiate and agree upon an agreement that provides a total compensation greater than what is listed in provision # 1 and #2, the District shall provide an equivalent compensation agreement to RDUTA.

For RDUTA

W. Hays

Janet Allen

Janet Jangler

Pat Smith

Kendall Murphy

[Signature]

For RDUSD

Catherine [Signature]

Keena Aston

Renee [Signature]



# SACRAMENTO COUNTY OFFICE OF EDUCATION

## PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT

In Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5, and CCR, Title V, Section 15449

Name of School District: **RIVER DELTA USD**

Name of Bargaining Unit: **RDUTA 2018-19, (Me too for CSEA, Admin & Non-Represented)**

Certificated, Classified, Other: **ALL**

The proposed agreement covers the period beginning: **7/1/18** and ending: **6/30/19**  
 (date) (date)

The Governing Board will act upon the agreement on: **Oct. 8, 2019**  
 (date)

Note: This form, along with a copy of the proposed agreement, must be submitted to the County Office at least ten (10) working days prior to the date the Governing Board will take action.

**3.2%% On the Salary Schedule and .51% off the Salary Schedule (one-time) both retro to 7/1/2018.**

**A. Proposed Change in Compensation:**

Compensation		Fiscal Impact of Proposed Agreement			
		Annual	Year 1	Year 2	Year 3
		Cost Prior to	Increase (Decrease)	Increase (Decrease)	Increase (Decrease)
		Proposed Agreement			
		FY 2019-20	FY 2019-20	FY 2020-21	FY 2021-22
1	Salary Schedule (This is to include Step and Columns, which is also reported separately in Item 6)	\$12,229,407	\$437,560	\$252,113	\$254,634
			3.58%	1.99%	1.97%
2	Other Compensation Stipends, Bonuses, Longevity, Overtime, Differential, Callback or Standby Pay, etc.	\$810,187.00	\$30,297	\$0.00	\$0.00
			3.74%	0.00%	0.00%
	Description of other compensation	Stipends, extra assignments, substitutes, vacation payouts.			
3	Statutory Benefits - STRS, PERS, FICA WE, UI, Medicare, etc.	\$3,942,520	\$100,579	\$59,628	\$60,097
			2.55%	1.47%	1.46%
4	Health/Welfare Plans	\$1,395,862.00	\$0.00	\$0.00	\$0.00
5	Total Compensation - Add Items 1 through 4 to equal 5	\$18,377,976	\$568,436	\$311,741	\$314,731
			3.09%	1.65%	1.63%
6	Step and Column - Due to movement plus any changes due to settlement. This is a subset of Item No. 1	\$0.00	\$0.00	\$0	\$0
7	Total Number of Represented Employees (Use FTEs if appropriate)	243	243	243	243
8	Total Compensation Average Cost per Employee	75,629.53	2,339.24	1,282.89	1,295.19
			3.09%	1.65%	1.63%

**9 . What was the negotiated percentage increase approved? For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?**

RDUTA negotiated a 0.51% One-time off the Salary Schedule and a 3.2% On the salary schedule, for a total of 3.71%, both retro to July 1, 2018. This is a one year agreement. CSEA, Admin and Non-respresent already settled for 1% One-time off schedule and 2.71% on schedule, totalling 3.71%. This also was a one year agreement and has already been paid to thier bargaining unit members. As in past practice for a "Me too" clause the district is Including in this public disclosure a 0.49% On-Schedule starting as of 7/1/2019 for those bargaining units.

**10 . Were any additional steps, columns, or range added to the schedule? (If yes, please explain.)**

There were no changes to Step, columns or ranges.

**11 . Please include comments and explanations as necessary. (If more room is necessary, please attach an additional sheet.)**

N/A

**12 . Does this bargaining unit have a negotiated cap for Health & Welfare**      Yes  | No

**If yes, please describe the cap amount.**

The current cap is \$704 a month.

**B. Proposed Negotiated Changes in Noncompensation Items (i.e., class size adjustments, staff development days, teacher prep time, classified staffing rations, etc.)**

All sites from which the teachers do not have state-mandated preparation time: Bates Elementary, D.H. White Elementary, Isleton Elementary and Walnut Grove Elementary, the teachers will have the first, second, third and fourth Wednesdays for preparation time. Any fifth Wednesday will be used for professional development.

Teachers at the aforementioned sites may choose to have a faculty meeting on one (1) of the Wednesdays in lieu of prepartation time. If the teachers at a site choose not to have a faculty meeting on one Wednesday, the staff and site Prinicipal will collaboratively decide on a day to have the faculty meeting.

Any combination teachers will be given two (2) days a quarter to work on campus and use for planning purposes. Those days will be mutually agreed upon by the teacher and prinicipal.

**C. What are the specific impacts (positive or negative) on instructional and support programs accommodate the settlement? Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)**

N/A

**D. What contingency language is included in the proposed agreement (e.g., reopeners, etc.)?**

If either the CSEA or the Administrators or confidential employees negotiate and agree upon an agreement that provides a total compensation greater than what is listed in the summary page, the District shall provide an equivalent compensation agreement to the RDUTA.

It has been past practice to include the 'me too' clause for all bargaining units and this brings their compensation for CSEA and Admin to the same On-schedule.

**E. Will this agreement create, or decrease deficit financing in the current or subsequent year(s)? "Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenue and other financing sources in a given year. If yes, explain the amounts and justification for doing so.**

The district is deficit spending but maintains a positive certification. With this agreement the district will deficit spend in the unrestricted funds by \$1,417,017 in 2019-20, \$690,930 in 2020-21 and \$431,472 in 2021-22. General fund contributions will be increased to offset the negative amounts. The district is able to maintain its reserve level and positive ending fund balances in the current and two subsequent years. The district has been spending down one-time funds on textbooks resulting in deficit spending, which is compounded by the decrease in Special Ed funding.

**F. Identify other major provisions that do not directly affect the district's costs, such as binding**  
None

**Source of Funding for Proposed Agreement**

**G. 1. Current Year**  
LCFF

**2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years (i.e., what will allow the district to afford this contract)?**

Funding for the tentative agreement will be paid thru LCFF Funds. The district is experiencing an increase in ADA due to a new development in Rio Vista and projecting flat funding in subsequent years.

**3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to**

Single year agreement

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

**Unrestricted General Fund**  
Enter Bargaining Unit: **RDUTA and "Me too" for CSEA & Admin**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 9/5/19 ___)	Adjustments as a Result of Settlement	Other Revisions (Working Budget)	Total Current Budget (Columns 1+2+3)
<b>REVENUES</b>				
Revenue Limit Sources (8010-8099)	\$19,719,077	\$0		\$19,719,077
Remaining Revenues (8100-8799)	\$718,995	\$0		\$718,995
<b>TOTAL REVENUES</b>	<b>\$20,438,072</b>	<b>\$0</b>	<b>\$0</b>	<b>\$20,438,072</b>
<b>EXPENDITURES</b>				\$0
Certificated Salaries (1000-1999)	\$7,355,714	\$374,724	\$600	\$7,731,038
Classified Salaries (2000-2999)	\$2,783,279	\$11,912		\$2,795,191
Employee Benefits (3000-3999)	\$3,548,990	\$82,851		\$3,631,841
Books and Supplies (4000-4999)	\$953,201	\$0	\$42,425	\$995,626
Services, Other Operating Expenses (5000-5999)	\$2,291,321	\$0	\$25,776	\$2,317,097
Capital Outlay (6000-6999)	\$138,000	\$0	\$3,750	\$141,750
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$0	\$0	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$82,858	\$0	-\$5,247	-\$88,105
Other Adjustments	\$0	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$17,017,647</b>	<b>\$469,487</b>	<b>\$67,304</b>	<b>\$17,554,438</b>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$3,420,425</b>	<b>-\$469,487</b>	<b>-\$67,304</b>	<b>\$2,883,634</b>
<b>TRANSFERS IN &amp; OTHER SOURCES (8910-8979)</b>	<b>\$0</b>			<b>\$0</b>
<b>TRANSFERS OUT &amp; OTHER USES (7610-7699)</b>	<b>-\$189,536</b>	<b>\$0</b>	<b>-\$30,000</b>	<b>-\$219,536</b>
<b>CONTRIBUTIONS (8980-8999)</b>	<b>-\$3,997,782</b>	<b>\$0</b>	<b>\$0</b>	<b>-\$3,997,782</b>
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	<b>-\$766,893</b>	<b>-\$469,487</b>	<b>-\$97,304</b>	<b>-\$1,333,684</b>
				\$0
<b>BEGINNING BALANCE</b>	<b>\$5,684,341</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,684,341</b>
Prior-Year Adjustments/Restatements (9793/9795)	\$0			\$0
<b>CURRENT-YEAR ENDING BALANCE</b>	<b>\$4,917,448</b>	<b>-\$469,487</b>	<b>-\$97,304</b>	<b>\$4,350,657</b>
<b>COMPONENTS OF ENDING BALANCE:</b>				
Reserved Amounts (9711-9740)	\$15,000	\$0	\$0	\$15,000
Reserved for Economic Uncertainties (9770) 5%	\$1,231,970	\$41,658	\$0	\$1,273,628
Designated Amounts (9775-9780)	\$2,078,265	\$0	\$0	\$2,078,265
Unappropriated Amounts (9790)	\$1,592,213	-\$511,145	-\$97,304	\$983,764



**H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**

Enter Bargaining Unit:		Restricted General Fund RDUTA and "Me too" for CSEA & Admin			
	Column 1	Column 2	Column 3	Column 4	
	Latest Board - Approved Budget Before Settlement (As of 9/5/19__)	Adjustments as a Result of Settlement	Other Revisions (Working Budget)	Total Current Budget (Columns 1+2+3)	
<b>REVENUES</b>					
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0	
Remaining Revenues (8100-8799)	\$3,465,081	\$0	\$45,353	\$3,510,434	
<b>TOTAL REVENUES</b>	<b>\$3,465,081</b>	<b>\$0</b>	<b>\$45,353</b>	<b>\$3,510,434</b>	
<b>EXPENDITURES</b>					
Certificated Salaries (1000-1999)	\$1,673,656	\$75,059	\$3,935	\$1,752,650	
Classified Salaries (2000-2999)	\$1,544,787	\$6,162	-\$9,220	\$1,541,729	
Employee Benefits (3000-3999)	\$1,870,205	\$17,727	\$5,787	\$1,893,719	
Books and Supplies (4000-4999)	\$596,737	\$0	\$126,323	\$723,060	
Services, Other Operating Expenses (5000-5999)	\$1,659,901	\$0	\$31,839	\$1,691,740	
Capital Outlay (6000-6999)	\$21,000	\$0	\$3,501	\$24,501	
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0	
Direct Support/Indirect Cost (7300-7399)	\$65,930	\$0	\$5,247	\$71,177	
Other Adjustments	\$0	\$0	\$0	\$0	
<b>TOTAL EXPENDITURES</b>	<b>\$7,432,216</b>	<b>\$98,948</b>	<b>\$167,412</b>	<b>\$7,698,576</b>	
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>-\$3,967,135</b>	<b>-\$98,948</b>	<b>-\$122,059</b>	<b>-\$4,188,142</b>	
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0	
TRANSFERS OUT & OTHER USES (7610-7699)	\$0	\$0	\$0	\$0	
CONTRIBUTIONS (8980-8999)	\$3,997,782	\$0		\$3,997,782	
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	<b>\$30,647</b>	<b>-\$98,948</b>	<b>-\$122,059</b>	<b>-\$190,360</b>	
<b>BEGINNING BALANCE</b>	<b>\$955,689</b>		<b>\$0</b>	<b>\$955,689</b>	
Prior-Year Adjustments/Restatements (9793/9795)			\$0	\$0	
<b>CURRENT-YEAR ENDING BALANCE</b>	<b>\$986,336</b>	<b>-\$98,948</b>	<b>-\$122,059</b>	<b>\$765,329</b>	
<b>COMPONENTS OF ENDING BALANCE:</b>			\$0	\$0	
Reserved Amounts (9711-9740)	\$986,336	-\$98,948	-\$122,059	\$765,329	
Reserved for Economic Uncertainties (9770)			\$0	\$0	
Designated Amounts (9775-9780)			\$0	\$0	
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0	

**H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**

**Combined General Fund  
RDUTA and "Me too" for CSEA & Admin**

Enter Bargaining Unit:	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of __9/5/19__)	Adjustments as a Result of Settlement	Other Revisions (Working Budget)	Total Current Budget (Columns 1+2+3)
<b>REVENUES</b>				
Revenue Limit Sources (8010-8099)	\$19,719,077	\$0	\$0	\$19,719,077
Remaining Revenues (8100-8799)	\$4,184,076	\$0	\$45,353	\$4,229,429
<b>TOTAL REVENUES</b>	<b>\$23,903,153</b>	<b>\$0</b>	<b>\$45,353</b>	<b>\$23,948,506</b>
<b>EXPENDITURES</b>				
Certificated Salaries (1000-1999)	\$9,029,370	\$449,783	\$4,535	\$9,483,688
Classified Salaries (2000-2999)	\$4,328,066	\$18,074	-\$9,220	\$4,336,920
Employee Benefits (3000-3999)	\$5,419,195	\$100,578	\$5,787	\$5,525,560
Books and Supplies (4000-4999)	\$1,549,938	\$0	\$168,748	\$1,718,686
Services, Other Operating Expenses (5000-5999)	\$3,951,222	\$0	\$57,615	\$4,008,837
Capital Outlay (6000-6999)	\$159,000	\$0	\$7,251	\$166,251
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$0	\$0	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$16,928	\$0	\$0	-\$16,928
Other Adjustments	\$0	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$24,449,863</b>	<b>\$568,435</b>	<b>\$234,716</b>	<b>\$25,253,014</b>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>-\$546,710</b>	<b>-\$568,435</b>	<b>-\$189,363</b>	<b>-\$1,304,508</b>
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	-\$189,536	\$0	-\$30,000	-\$219,536
CONTRIBUTIONS (8980-8999)	\$0	\$0	\$0	\$0
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	<b>-\$736,246</b>	<b>-\$568,435</b>	<b>-\$219,363</b>	<b>-\$1,524,044</b>
<b>BEGINNING BALANCE</b>	<b>\$6,640,030</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,640,030</b>
Prior-Year Adjustments/Restatements (9793/9795)	\$0			\$0
<b>CURRENT-YEAR ENDING BALANCE</b>	<b>\$5,903,784</b>	<b>-\$568,435</b>	<b>-\$219,363</b>	<b>\$5,115,986</b>
<b>COMPONENTS OF ENDING BALANCE:</b>				
Reserved Amounts (9711-9740)	\$1,001,336	-\$98,948	-\$122,059	\$780,329
Reserved for Economic Uncertainties (9770)	\$1,231,970	\$41,658	\$0	\$1,273,628
Designated Amounts (9775-9780)	\$2,078,265	\$0	\$0	\$2,078,265
Unappropriated Amounts - Unrestricted (9790)	\$1,592,213	-\$511,145	-\$97,304	\$983,764
Unappropriated Amounts - Restricted (9790)	\$0	\$0	\$0	\$0
Reserve for Economic Uncertainties Percentage	5.1%			5.1%

**H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**

**Adult Education Fund      11**

**Enter Bargaining Unit:      RDUTA and "Me too" for CSEA & Admin**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 9/5/19___)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
<b>REVENUES</b>				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$98,292	\$0	\$0	\$98,292
<b>TOTAL REVENUES</b>	\$98,292	\$0		\$98,292
<b>EXPENDITURES</b>				
Certificated Salaries (1000-1999)	\$21,658	\$27	\$0	\$21,685
Classified Salaries (2000-2999)	\$13,538	\$69	\$0	\$13,607
Employee Benefits (3000-3999)	\$12,127	\$27	\$0	\$12,154
Books and Supplies (4000-4999)	\$19,656	\$0	\$0	\$19,656
Services, Other Operating Expenses (5000-5999)	\$26,781	\$0	\$0	\$26,781
Capital Outlay (6000-6999)	\$0	\$0	\$0	\$0
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$4,532	\$0	\$0	\$4,532
Other Adjustments	\$0	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	\$98,292	\$123	\$0	\$98,415
<b>OPERATING SURPLUS (DEFICIT)</b>	\$0	-\$123	\$0	-\$123
<b>TRANSFERS IN &amp; OTHER SOURCES (8910-8979)</b>	\$0	\$0	\$0	\$0
<b>TRANSFERS OUT &amp; OTHER USES (7610-7699)</b>	\$0	\$0	\$0	\$0
<b>CONTRIBUTIONS (8980-8999)</b>	\$0	\$0	\$0	\$0
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	\$0	-\$123	\$0	-\$123
<b>BEGINNING BALANCE</b>	\$58,321	\$0	\$0	\$58,321
Prior-Year Adjustments/Restatements (9793/9795)	\$0	\$0	\$0	\$0
<b>CURRENT-YEAR ENDING BALANCE</b>	\$58,321	-\$123	\$0	\$58,198
<b>COMPONENTS OF ENDING BALANCE:</b>				
Reserved Amounts (9711-9740)	\$58,321	\$0	\$0	\$58,321
Reserved for Economic Uncertainties (9770)	\$0	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$0	\$0	\$0	\$0
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0

**H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**

**Child Development Fund** **12**  
Enter Bargaining Unit: **RDUTA and "Me too" for CSEA & Admin**

	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 9/5/19 ____)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
<b>REVENUES</b>				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$299,381	\$0		\$299,381
<b>TOTAL REVENUES</b>	\$299,381	\$0	\$0	\$299,381
<b>EXPENDITURES</b>				
Certificated Salaries (1000-1999)	\$15,474	\$67	\$0	\$15,541
Classified Salaries (2000-2999)	\$163,551	\$716	\$0	\$164,267
Employee Benefits (3000-3999)	\$82,454	\$229	\$0	\$82,683
Books and Supplies (4000-4999)	\$16,026	\$0	\$0	\$16,026
Services, Other Operating Expenses (5000-5999)	\$9,480	\$0	\$0	\$9,480
Capital Outlay (6000-6999)	\$0	\$0	\$0	\$0
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$12,396	\$0	\$0	\$12,396
Other Adjustments	\$0	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	\$299,381	\$1,012	\$0	\$300,393
<b>OPERATING SURPLUS (DEFICIT)</b>	\$0	\$0	\$0	\$0
<b>TRANSFERS IN &amp; OTHER SOURCES (8910-8979)</b>	\$0	\$0	\$0	\$0
<b>TRANSFERS OUT &amp; OTHER USES (7610-7699)</b>	\$0	\$0	\$0	\$0
<b>CONTRIBUTIONS (8980-8999)</b>	\$0	\$0	\$0	\$0
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	\$0	-\$1,012	\$0	-\$1,012
<b>BEGINNING BALANCE</b>	\$5,996	\$0	\$0	\$5,996
Prior-Year Adjustments/Restatements (9793/9795)	\$0	\$0	\$0	\$0
<b>CURRENT-YEAR ENDING BALANCE</b>	\$5,996	-\$1,012	\$0	\$4,984
<b>COMPONENTS OF ENDING BALANCE:</b>				
Reserved Amounts (9711-9740)	\$5,996	-\$1,012	\$0	\$4,984
Reserved for Economic Uncertainties (9770)	\$0	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$0	\$0	\$0	\$0
Unappropriated Amounts (9790)	\$0	\$0	\$0	\$0

## H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Enter Bargaining Unit:	Cafeteria Fund			13
	RDUTA and "Me too" for CSEA & Admin			
	Column 1	Column 2	Column 3	Column 4
	Latest Board - Approved Budget Before Settlement (As of 9/5/19___)	Adjustments as a Result of Settlement	Other Revisions	Total Current Budget (Columns 1+2+3)
<b>REVENUES</b>				
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$1,023,168	\$0	\$0	\$1,023,168
<b>TOTAL REVENUES</b>	\$1,023,168	\$0	\$0	\$1,023,168
<b>EXPENDITURES</b>				
Certificated Salaries (1000-1999)	\$0	\$0	\$0	\$0
Classified Salaries (2000-2999)	\$299,483	\$1,276	\$0	\$300,759
Employee Benefits (3000-3999)	\$159,330	\$383	\$0	\$159,713
Books and Supplies (4000-4999)	\$5,600	\$0	\$0	\$5,600
Services, Other Operating Expenses (5000-5999)	\$625,953	\$0		\$625,953
Capital Outlay (6000-6999)	\$0	\$0	\$0	\$0
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$0	\$0	\$0	\$0
Other Adjustments	\$0	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	\$1,090,366	\$1,659	\$0	\$1,092,025
<b>OPERATING SURPLUS (DEFICIT)</b>	-\$67,198	-\$1,659	\$30,000	-\$38,857
<b>TRANSFERS IN &amp; OTHER SOURCES (8910-8979)</b>	\$0	\$0	\$0	\$0
<b>TRANSFERS OUT &amp; OTHER USES (7610-7699)</b>	\$0	\$0	\$0	\$0
<b>CONTRIBUTIONS (8980-8999)</b>	\$0	\$0	\$30,000	\$30,000
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	-\$67,198	-\$1,659	\$30,000	-\$38,857
<b>BEGINNING BALANCE</b>	\$60,295	\$0	\$0	\$60,295
Prior-Year Adjustments/Restatements (9793/9795)	\$0	\$0	\$0	\$0
<b>CURRENT-YEAR ENDING BALANCE</b>	-\$6,903	-\$1,659	\$30,000	\$21,438
<b>COMPONENTS OF ENDING BALANCE:</b>				
Reserved Amounts (9711-9740)	\$20,712	\$0	\$0	\$20,712
Reserved for Economic Uncertainties (9770)	\$0	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$0	\$0	\$0	\$0
Unappropriated Amounts (9790)	-\$27,615	-\$1,659	\$30,000	\$726

**I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS**

**Unrestricted General Fund**  
**Enter Bargaining Unit: RDUTA and "Me too" for CSEA & Admin**

	FY 2019-20	FY 2020-21	FY 2021-22
	Total Current Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
<b>REVENUES</b>			
Revenue Limit Sources (8010-8099)	\$19,719,077	\$20,186,377	\$20,732,113
Remaining Revenues (8100-8799)	\$718,995	\$703,517	\$703,517
<b>TOTAL REVENUES</b>	<b>\$20,438,072</b>	<b>\$20,889,894</b>	<b>\$21,435,630</b>
<b>EXPENDITURES</b>			
Certificated Salaries (1000-1999)	\$7,731,038	\$7,676,122	\$7,752,845
Classified Salaries (2000-2999)	\$2,795,191	\$2,823,110	\$2,897,330
Employee Benefits (3000-3999)	\$3,631,841	\$3,811,653	\$3,820,873
Books and Supplies (4000-4999)	\$995,626	\$549,115	\$549,115
Services, Other Operating Expenses (5000-5999)	\$2,317,097	\$2,291,211	\$2,271,211
Capital Outlay (6000-6999)	\$141,750	\$138,000	\$138,000
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$30,000	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$88,105	-\$82,858	-\$82,858
Other Adjustments	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$17,554,438</b>	<b>\$17,236,353</b>	<b>\$17,376,516</b>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$2,883,634</b>	<b>\$3,653,541</b>	<b>\$4,059,114</b>
TRANSFERS IN & OTHER SOURCES (8910-8979)	\$0	\$0	\$0
TRANSFERS OUT & OTHER USES (7610-7699)	-\$219,536	-\$189,536	-\$189,536
CONTRIBUTIONS (8980-8999)	-\$3,997,782	-\$4,106,482	-\$4,254,282
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	<b>-\$1,333,684</b>	<b>-\$642,477</b>	<b>-\$384,704</b>
<b>BEGINNING BALANCE</b>	<b>\$5,684,341</b>	<b>\$4,350,657</b>	<b>\$3,708,180</b>
<b>CURRENT-YEAR ENDING BALANCE</b>	<b>\$4,350,657</b>	<b>\$3,708,180</b>	<b>\$3,323,476</b>
<b>COMPONENTS OF ENDING BALANCE:</b>			
Reserved Amounts (9711-9740)	\$15,000	\$15,000	\$15,000
Reserved for Economic Uncertainties - Unrestricted (9770)	\$1,273,628	\$1,238,530	\$1,248,860
Reserved for Economic Uncertainties - Restricted (9770)	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$2,078,265	\$1,877,479	\$1,242,024
Unappropriated Amounts - Unrestricted (9790)	\$983,764	\$577,171	\$817,592
Unappropriated Amounts - Restricted (9790)	\$0	\$0	\$0

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

**Restricted General Fund**  
**Enter Bargaining Unit: RDUTA and "Me too" for CSEA & Admin**

	FY 2019-20	FY 2020-21	FY 2021-22
	Total Current Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
<b>REVENUES</b>			
Revenue Limit Sources (8010-8099)	\$0	\$0	\$0
Remaining Revenues (8100-8799)	\$3,510,434	\$3,214,223	\$3,132,223
<b>TOTAL REVENUES</b>	<b>\$3,510,434</b>	<b>\$3,214,223</b>	<b>\$3,132,223</b>
<b>EXPENDITURES</b>			
Certificated Salaries (1000-1999)	\$1,752,650	\$1,680,998	\$1,697,792
Classified Salaries (2000-2999)	\$1,541,729	\$1,566,411	\$1,582,073
Employee Benefits (3000-3999)	\$1,893,719	\$1,943,392	\$1,977,301
Books and Supplies (4000-4999)	\$723,060	\$456,032	\$456,032
Services, Other Operating Expenses (5000-5999)	\$1,691,740	\$1,627,901	\$1,627,901
Capital Outlay (6000-6999)	\$24,501	\$4,011	\$4,011
Other Outgo (7100-7299) (7400-7499)	\$0	\$0	\$0
Direct Support/Indirect Cost (7300-7399)	\$71,177	\$65,930	\$65,930
Other Adjustments	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$7,698,576</b>	<b>\$7,344,675</b>	<b>\$7,411,040</b>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>-\$4,188,142</b>	<b>-\$4,130,452</b>	<b>-\$4,278,817</b>
<b>TRANSFERS IN &amp; OTHER SOURCES (8910-8979)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TRANSFERS OUT &amp; OTHER USES (7610-7699)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
CONTRIBUTIONS (8980-8999)	\$3,997,782	\$4,106,482	\$4,254,282
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	<b>-\$190,360</b>	<b>-\$23,970</b>	<b>-\$24,535</b>
BEGINNING BALANCE	\$955,689	\$765,329	\$741,359
CURRENT-YEAR ENDING BALANCE	\$765,329	\$741,359	\$716,824
<b>COMPONENTS OF ENDING BALANCE:</b>			
Reserved Amounts (9711-9740)	\$765,329	\$741,359	\$716,824
Reserved for Economic Uncertainties - Unrestricted (9770)	\$0	\$0	\$0
Reserved for Economic Uncertainties - Restricted (9770)	\$0		
Board Designated Amounts (9775-9780)			
Unappropriated Amounts - Unrestricted (9790)			
Unappropriated Amounts - Restricted (9790)	\$0	\$0	\$0

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

**Combined General Fund**  
**Enter Bargaining Unit: RDUTA and "Me too" for CSEA & Admin**

	FY 2019-20	FY 2020-21	FY 2021-22
	Total Current Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
<b>REVENUES</b>			
Revenue Limit Sources (8010-8099)	\$19,719,077	\$20,186,377	\$20,732,113
Remaining Revenues (8100-8799)	\$4,229,429	\$3,917,740	\$3,835,740
<b>TOTAL REVENUES</b>	<b>\$23,948,506</b>	<b>\$24,104,117</b>	<b>\$24,567,853</b>
<b>EXPENDITURES</b>			
Certificated Salaries (1000-1999)	\$9,483,688	\$9,357,120	\$9,450,637
Classified Salaries (2000-2999)	\$4,336,920	\$4,389,521	\$4,479,403
Employee Benefits (3000-3999)	\$5,525,560	\$5,755,045	\$5,798,174
Books and Supplies (4000-4999)	\$1,718,686	\$1,005,147	\$1,005,147
Services, Other Operating Expenses (5000-5999)	\$4,008,837	\$3,919,112	\$3,899,112
Capital Outlay (6000-6999)	\$166,251	\$142,011	\$142,011
Other Outgo (7100-7299) (7400-7499)	\$30,000	\$30,000	\$30,000
Direct Support/Indirect Cost (7300-7399)	-\$16,928	-\$16,928	-\$16,928
Other Adjustments	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$25,253,014</b>	<b>\$24,581,028</b>	<b>\$24,787,556</b>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>-\$1,304,508</b>	<b>-\$476,911</b>	<b>-\$219,703</b>
<b>TRANSFERS IN &amp; OTHER SOURCES (8910-8979)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TRANSFERS OUT &amp; OTHER USES (7610-7699)</b>	<b>-\$219,536</b>	<b>-\$189,536</b>	<b>-\$189,536</b>
<b>CONTRIBUTIONS (8980-8999)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE</b>	<b>-\$1,524,044</b>	<b>-\$666,447</b>	<b>-\$409,239</b>
<b>BEGINNING BALANCE</b>	<b>\$6,640,030</b>	<b>\$5,115,986</b>	<b>\$4,449,539</b>
<b>CURRENT-YEAR ENDING BALANCE</b>	<b>\$5,115,986</b>	<b>\$4,449,539</b>	<b>\$4,040,300</b>
<b>COMPONENTS OF ENDING BALANCE:</b>			
Reserved Amounts (9711-9740)	\$780,329	\$756,359	\$731,824
Reserved for Economic Uncertainties - Unrestricted (9770)	\$1,273,628	\$1,238,530	\$1,248,860
Reserved for Economic Uncertainties - Restricted (9770)	\$0	\$0	\$0
Board Designated Amounts (9775-9780)	\$2,078,265	\$1,877,479	\$1,242,024
Unappropriated Amounts - Unrestricted (9790)	\$983,764	\$577,171	\$817,592
Unappropriated Amounts - Restricted (9790)	\$0	\$0	\$0



**J. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES**

**1. State Reserve Standard**

		FY 2019-20	FY 2020-21	FY 2021-22
a.	Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement)	\$25,472,550	\$24,770,564	\$24,977,092
b.	State Standard Minimum Reserve Percentage for this District <u>3.0</u> enter percentage:	5%	5%	5%
c.	State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b, OR \$50,000)	\$1,273,628	\$1,238,528	\$1,248,855

**2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)**

a.	General Fund Budgeted Unrestricted Designated for Economic Uncertainties (9770)	\$1,273,628	\$1,238,530	\$1,248,860
b.	General Fund Budgeted Unrestricted Unappropriated Amount (9790)	\$983,764	\$577,171	\$817,592
c.	Special Reserve Fund (Fund 17) Budgeted Designated for Economic Uncertainties (9770)	\$0	\$0	\$0
d.	Special Reserve Fund (Fund 17) Budgeted Unappropriate Amount (9790)	\$71,358	\$71,358	\$71,358
g.	Total Available Reserves	\$2,328,750	\$1,887,059	\$2,137,810
h.	Reserve for Economic Uncertainties Percentage	9.1%	7.6%	8.6%

**3. Do unrestricted reserves meet the state minimum reserve amount?**

FY 2019-20	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
FY 2020-21	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
FY 2021-22	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

**4. If no, how do you plan to restore your reserves?**

N/A

**5. If the total amount of the adjustment in Column 2 on Page 4 does not agree with the amount of the Total Compensation Increase in Section A, Line 5, Page 1 (i.e., increase was partially budgeted), explain the variance below:** It is off by  
rounding only

**6. Please include any additional comments and explanation of Page 4 if necessary:**

**K. SALARY NOTIFICATION REQUIREMENT**

The following section is applicable and should be completed when any Salary/Benefit Negotiations are settled after the district's final budget has been adopted.

**COMPARISON OF PROPOSED AGREEMENT TO CHANGE IN DISTRICT LCFF**

(a) Current-Year LCFF per ADA:	\$ <u>10621.64</u> (Estimated)	
(b) Prior-Year LCFF per ADA:	\$ <u>10279.47</u> (Actual)	
(c) Amount of Current-Year Increase: (a) minus (b)	\$ <u>342.17</u>	
(d) Percentage Increase in BRL per ADA: (c) divided by (b)		3.33% %
(e) Deficit:		_____ %
(f) Percentage Increase in LCFF after deficit:		_____ %
(g) Total Compensation Percentage Increase from Section A, Line 5, Page 1 for current year (Year 1)		0.00%

**BOARD OF TRUSTEES**  
**RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019 Attachments: X

From: Elizabeth Keema-Aston, Chief Business Officer Item Number: 13

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request to apply for the 2019 National School Lunch Program (NSLP) Equipment Assistance Grant.

**BACKGROUND:**

In March 2019, the Agriculture Appropriations Act authorized the U.S. Department of Agriculture (USDA) to fund California approximately \$3.6 million to competitively award eligible school food authorities (SFA) equipment assistance grants. The grant funding is designed to help school serve healthier meals with a focus on serving more fruits and vegetables, improving food safety and energy efficiency, and expanding access.

**STATUS:**

The District would like to apply for equipment including 2 door refrigerators, 2 door freezers, ovens, warmers and salad bars. This would allow the District to replace old equipment with more energy efficient models, as well as save the District continual repair costs. It would provide the district with reliable equipment thereby reducing the loss of fresh food and perishables. The addition of salad bars has been shown to increase participation levels amongst students.

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Calvin Pettigrew

**COST AND FUNDING SOURCES:**

There is no district match required. The grant application allows for 5 sites for a total of \$100,000 maximum.

**RECOMMENDATION:**

That the Board grants the request to apply for the 2019 NSLP Equipment Assistance Grant.

Time allocated: 5 minutes

**BOARD OF TRUSTEES  
RIVER DELTA UNIFIED SCHOOL DISTRICT**

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: October 8, 2019

Attachments: \_\_\_\_\_

From: Ken Gaston, Director of MOT

Item Number: 14

Type of item: (Action, Consent Action or Information Only): Consent Action

**SUBJECT:**

Request permission to apply for the School Bus Funding Grant from the California VW Mitigation Settlement Trust to replace a school bus(es).

**BACKGROUND:**

The VW grant: it will open on 10/21/19 and will be administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD). SJVAPCD will award up to \$400,000 per electric school bus. The total amount of funding is \$65M (of which, 50%, or \$32.5M, can go to electric school buses). The funding will be awarded on a first-come first-served basis. All school districts in CA are eligible to apply for this funding. This is a scrap-and-replace program: school districts will apply to scrap their existing school buses to replace them with new electric school buses. The funding comes from the VW Mitigation Settlement. This year is the first round of funds; the second round will be in 2021 for the remaining \$65M. If a school district is awarded, they will enter a contract with the SJVAPCD which includes school bus inspections and yearly reporting. If awarded funding, the school district will need to provide a 5% cash match for each awarded bus. Because this grant is first-come first-served, the funding is expected to be fully subscribed the first day the application opens on 10/21. A school board resolution is needed in order to authorize a school district to apply for these funds.

**STATUS:**

**PRESENTER:**

Ken Gaston

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board grants permission to apply for the VW Grant for school bus(es).

Time allocated: 5 minutes

Volkswagen Environmental Mitigation Trust for California  
School Bus Replacement Program  
Governing Board Resolution

RESOLUTION NO. 773

Resolution of River Delta Unified School District

---

It was approved by **River Delta Unified School District** Governing Board that the following Resolution be adopted:

RESOLUTION AUTHORIZING **RIVER DELTA UNIFIED SCHOOL DISTRICT** TO MAKE APPLICATION FOR AND TO SIGN CERTAIN ASSURANCES WITH RESPECT TO APPLICATIONS FOR LOCAL, STATE AND FEDERAL PROGRAMS, PROJECTS OR GRANTS

WHEREAS, the California VW Mitigation Settlement Trust provides grant funding to public and private organizations to replace diesel school buses; and

WHEREAS, **River Delta Unified School District** must authorize someone by resolution, as the “Authorized Individual” to make application and administer the VW Mitigation Settlement Trust funding program; and

WHEREAS, **River Delta Unified School District** authorizes Elizabeth Keema-Aston as “Authorized Individual” to apply for school bus grant funding from the California VW Mitigation Settlement Trust to replace a school bus(es);

NOW, THEREFORE, BE IT RESOLVED, that if recommended for funding by the California VW Mitigation Settlement Trust, the Governing Board authorizes **River Delta Unified School District** to accept a grant for a school bus replacement and vehicle infrastructure; and

BE IT FURTHER RESOLVED, that Elizabeth Keema-Aston is hereby authorized and empowered to execute in the name of **River Delta Unified School District** all necessary documents to implement and carry out the purpose of this resolution, and to undertake all actions necessary to undertake and complete the projects.

The foregoing Resolution was passed and adopted by **River Delta Unified School District** Governing Board at a regular meeting

thereof, held on this 8th day of October, 2019.

---

Alicia Fernandez, Board President

Governing Board Representatives:

---

---

---